

First Lt. Amos Blanchard Shattuck, Corps of Engineers, from May 1, 1933.

First Lt. Leland Hazelton Hewitt, Corps of Engineers, from May 1, 1933.

*To be first lieutenants*

Second Lt. Forester Hampton Sinclair, Field Artillery, from April 22, 1933.

Second Lt. Walter Morris Johnson, Infantry, from April 26, 1933.

Second Lt. Harold Stanley Isaacson, Field Artillery, from May 1, 1933.

Second Lt. Willis Webb Wheelchel, Field Artillery, from May 1, 1933.

Second Lt. Albert Harvey Dickerson, Infantry, from May 1, 1933.

Second Lt. Leander LaChance Doan, Cavalry, from May 1, 1933.

Second Lt. Arthur Edwin Solem, Field Artillery, from May 1, 1933.

Second Lt. Theodore Kalakuka, Cavalry, from May 1, 1933.

Second Lt. Charlie Wesner, Field Artillery, from May 1, 1933.

Second Lt. Henry Magruder Zeller, Jr., Cavalry, from May 1, 1933.

Second Lt. Orville Melvin Hewitt, Infantry, from May 1, 1933.

**MEDICAL CORPS**

*To be lieutenant colonel*

Maj. Harry Rex MacKellar, Medical Corps, from April 28, 1933.

**CHAPLAIN**

*To be chaplain with the rank of lieutenant colonel*

Chaplain William Richard Arnold (major), United States Army, from April 29, 1933.

**PROMOTIONS IN THE NAVY**

Capt. Joseph R. Defrees to be a rear admiral in the Navy from the 5th day of April 1933.

Commander Damon E. Cummings to be a captain in the Navy from the 1st day of January 1933.

Commander Bryson Bruce, an additional number in grade, to be a captain in the Navy from the 5th day of April 1933.

Lt. Comdr. Carroll M. Hall to be a commander in the Navy from the 5th day of April 1933.

Lt. Herbert M. Scull to be a lieutenant commander in the Navy from the 30th day of June 1932.

Lt. (Junior Grade) Walter S. Ginn to be a lieutenant in the Navy from the 1st day of February 1932.

Lt. (Junior Grade) Emory W. Stephens to be a lieutenant in the Navy from the 5th day of January 1933.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of February 1933:

John M. Kennaday.

Philip M. Boltz.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of March 1933:

Sumner K. MacLean.

Paul Graf.

Warren D. Wilkin.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of April 1933:

Everett W. Abdill.

Paul L. F. Weaver.

Willis E. Cleaves.

The following-named pharmacists to be chief pharmacists in the Navy, to rank with but after ensign, from the 23d day of February 1933:

Will Grimes.

Paul T. Rees.

The following-named pay clerks to be chief pay clerks in the Navy, to rank with but after ensign, from the 15th day of January 1933:

Lawrence W. Sadd.

Arthur D. Gutheil.

**CONFIRMATIONS**

*Executive nominations confirmed by the Senate May 8 (legislative day of May 1), 1933*

**UNITED STATES ATTORNEY**

Henry H. McPike to be United States attorney, northern district of California.

**COMPTROLLER OF THE CURRENCY**

J. F. T. O'Connor to be Comptroller of the Currency.

**MEMBERS OF THE CIVIL SERVICE COMMISSION**

Lucille F. McMillin.

Harry B. Mitchell.

**HOUSE OF REPRESENTATIVES**

MONDAY, MAY 8, 1933

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D.D., offered the following prayer:

Our Lord and our Redeemer, full of grace and glory, to Thee we come. A mighty fortress is our God, a bulwark never failing. As the work of the day unfolds, clothe our thoughts with wisdom and our wisdom with action that can stand the scrutiny of broad daylight and sound true to the last. Help us by giving us a very close acquaintance with Thee. Strengthen us with the royalty of an unsullied conscience. Hear us, blessed Lord God, for our country. Mercifully be with the unemployed and idle multitudes all over our land. O give this Congress wisdom to solve their problems. Do Thou subdue all restless clamor, the turbulence of selfish strife, and melt all discord into harmony. Remember us individually. Take each one of us and draw us nearer and nearer to the divine embodiment of the peerless manhood of the Perfect One. O may we dream and strive after the impossible—these are the immortal motives. In the name of our Saviour. Amen.

The Journal of the proceedings of Friday, May 5, 1933, was read and approved.

**PRESIDENT ROOSEVELT'S SPEECH**

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein the speech delivered by the President of the United States last night.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD by printing the radio address delivered by the President last night. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, under the permission granted me to extend my remarks in the RECORD, I am inserting the address delivered over the radio last night by President Roosevelt.

It is one of the most reassuring and timely speeches ever delivered by a President and one that has inspired the American people with renewed courage and renewed hope.

The address reads as follows:

THE SECOND RADIO REPORT OF PRESIDENT ROOSEVELT AS TO WHAT THE ADMINISTRATION HAS DONE AND WHAT IT IS PLANNING TO DO

My friends, on a Sunday night a week after my inauguration I used the radio to tell you about the banking crisis and the measures we were taking to meet it. I think that in that way I made clear to the country various facts that might otherwise have been misunderstood and in general provided a means of understanding which did much to restore confidence.

Tonight, 7 weeks later, I come for the second time to give you my report—in the same spirit and by the same means—to tell you about what we have been doing and what we are planning to do.

Two months ago we were facing serious problems. The country was dying by inches. It was dying because trade and commerce had declined to dangerously low levels; prices for basic commodities were such as to destroy the value of the assets of national institutions such as banks, savings banks, insurance companies, and others. These institutions, because of their great needs, were foreclosing mortgages, calling loans, refusing credit. Thus there was actually in process of destruction the property of millions of people who had borrowed the money on that property in terms

of dollars which had had an entirely different value from the level of March, 1933. That situation in that crisis did not call for any complicated consideration of economic panaceas or fancy plans. We were faced by a condition and not a theory.

#### TWO ALTERNATIVES FACED

There were just two alternatives: The first was to allow the foreclosures to continue, credit to be withheld, and money to go into hiding, and thus force liquidation and bankruptcy of banks, railroads, and insurance companies, and a recapitalizing of all business and all property on a lower level. This alternative meant a continuation of what is loosely called "deflation", the net result of which would have been extraordinary hardship on all property owners and, incidentally, extraordinary hardships on all persons working for wages through an increase in unemployment and a further reduction of the wage scale.

It is easy to say that the result of this course would have not only economic effects of a very serious nature but social results that might bring incalculable harm. Even before I was inaugurated I came to the conclusion that such a policy was too much to ask the American people to bear. It involved not only a further loss of homes, farms, savings, and wages, but also a loss of spiritual values—the loss of that sense of security for the present and the future so necessary to the peace and contentment of the individual and of his family. When you destroy these things you will find it difficult to establish confidence of any sort in the future.

It was clear that mere appeals from Washington for confidence and the mere lending of more money to shaky institutions could not stop this downward course. A prompt program, applied as quickly as possible, seemed to me not only justified but imperative to our national security. The Congress—and when I say Congress I mean the Members of both political parties—fully understood this and gave me generous and intelligent support. The Members of Congress realized that the methods of normal times had to be replaced in the emergency by measures which were suited to the serious and pressing requirements of the moment.

#### NO SURRENDER OF POWER

There was no actual surrender of power. Congress still retained its constitutional authority, and no one has the slightest desire to change the balance of these powers. The function of Congress is to decide what has to be done and to select the appropriate agency to carry out its will. This policy it has strictly adhered to. The only thing that has been happening has been to designate the President as the agency to carry out certain of the purposes of the Congress. This was constitutional and in keeping with the past American tradition.

The legislation which has been passed or is in the process of enactment can properly be considered as part of a well-grounded plan.

First, we are giving opportunity of employment to one quarter of a million of the unemployed, especially the young men who have dependents, to go into the forestry and flood-prevention work. This is a big task, because it means feeding, clothing, and caring for nearly twice as many men as we have in the Regular Army itself. In creating this Civilian Conservation Corps we are killing two birds with one stone. We are clearly enhancing the value of our national resources and, second, we are relieving an appreciable amount of actual distress. This great group of men have entered upon their work on a purely voluntary basis, no military training is involved, and we are conserving not only our natural resources but our human resources. One of the great values to this work is the fact that it is direct and requires the intervention of very little machinery.

Second, I have requested the Congress and have secured action upon a proposal to put the great properties owned by our Government at Muscle Shoals to work after long years of wasteful inaction, and with this a broad plan for the improvement of a vast area in the Tennessee Valley. It will add to the comfort and happiness of hundreds of thousands of people and the incidental benefits will reach the entire Nation.

Next, the Congress is about to pass legislation that will greatly ease the mortgage distress among the farmers and the home owners of the Nation, by providing for the easing of the burden of debt now bearing so heavily upon millions of our people.

#### PLANS FOR PUBLIC WORKS

Our next step in seeking immediate relief is a grant of half a billion dollars to help the States, counties, and municipalities in their duty to care for those who need direct and immediate relief.

The Congress also passed legislation authorizing the sale of beer in such States as desired. This has already resulted in considerable reemployment and incidentally has provided much-needed tax revenue.

We are planning to ask the Congress for legislation to enable the Government to undertake public works, thus stimulating directly and indirectly, the employment of many others in well-considered projects.

Further legislation has been taken up which goes much more fundamentally into our economic problems. The farm relief bill seeks by the use of several methods, alone or together, to bring about an increased return to farmers for their major farm products, seeking at the same time to prevent in the days to come disastrous overproduction which so often in the past has kept farm commodity prices far below a reasonable return. This measure provides wide powers for emergencies. The extent of its use will depend entirely upon what the future has in store.

Well-considered and conservative measures will likewise be proposed which will attempt to give to the industrial workers of the country a more fair wage return, prevent cut-throat competition and unduly long hours for labor, and at the same time to encourage each industry to prevent overproduction.

Our railroad bill falls into the same class, because it seeks to provide and make certain definite planning by the railroads themselves, with the assistance of the Government, to eliminate the duplication and waste that is now resulting in railroad receiver-ships and continuing operating deficits.

I am certain that the people of this country understand and approve the broad purposes behind these new governmental policies relating to agriculture and industry and transportation. We found ourselves faced with more agricultural products than we could possibly consume ourselves and surpluses which other nations did not have the cash to buy from us, except at prices ruinously low.

We have found our factories able to turn out more goods than we could possibly consume, and at the same time we were faced with a falling export demand. We found ourselves with more facilities to transport goods and crops than there were goods and crops to be transported.

#### BLAMES LACK OF PLANNING

All of this has been caused in large part by a complete lack of planning and a complete failure to understand the danger signals that have been flying ever since the close of the World War. The people of this country have been erroneously encouraged to believe that they could keep on increasing the output of farm and factory indefinitely and that some magician would find ways and means for that increased output to be consumed with reasonable profit to the producer.

Today we have reason to believe that things are a little better than they were 2 months ago. Industry has picked up, railroads are carrying more freight, farm prices are better; but I am not going to indulge in issuing proclamations of over-enthusiastic assurance. We cannot ballyhoo ourselves back to prosperity. I am going to be honest at all times with the people of the country. I do not want the people of this country to take the foolish course of letting this improvement come back on another speculative wave. I do not want the people to believe that because of unjustified optimism we can resume the ruinous practice of increasing our crop output and our factory output in the hope that a kind Providence will find buyers at high prices. Such a course may bring us immediate and false prosperity, but it will be the kind of prosperity that will lead us into another tail spin.

It is wholly wrong to call the measures that we have taken Government control of farming, control of industry, and control of transportation. It is rather a partnership between Government and farming and industry and transportation—not partnership in profits, for the profits would still go to the citizens, but rather a partnership in planning and partnership to see that the plans are carried out.

Let me illustrate with an example. Take the cotton-goods industry. It is probably true that 90 percent of the cotton manufacturers would agree to eliminate starvation wages, would agree to stop long hours of employment, would agree to stop child labor, would agree to prevent an overproduction that would result in unsalable surpluses. But, what good is such an agreement if the other 10 percent of cotton manufacturers pay starvation wages, require long hours, employ children in their mills, and turn out burdensome surpluses? The unfair 10 percent could produce goods so cheaply that the fair 90 percent would be compelled to meet the unfair conditions.

#### LIFTING ANTITRUST LAWS

Here is where Government comes in. Government ought to have the right and will have the right, after surveying and planning for an industry, to prevent, with the assistance of the overwhelming majority of that industry, unfair practice and to enforce this agreement by the authority of Government.

The so-called "antitrust laws" were intended to prevent the creation of monopolies and to forbid unreasonable profits to those monopolies. That purpose of the antitrust laws must be continued. But these laws were never intended to encourage the kind of unfair competition that results in long hours, starvation wages, and overproduction.

The same principle applies to farm products and to transportation and every other field of organized private industry.

We are working toward a definite goal, which is to prevent the return of conditions which came very close to destroying what we call modern civilization. The actual accomplishment of our purpose cannot be attained in a day. Our policies are wholly within purposes for which our American constitutional Government was established 150 years ago.

I know that the people of this country will understand this and will also understand the spirit in which we are undertaking this policy. I do not deny that we may make mistakes of procedure as we carry out the policy. I have no expectation of making a hit every time I come to bat. What I seek is the highest possible batting average, not only for myself, but for the team. Theodore Roosevelt once said to me: "If I can be right 75 percent of the time, I shall come up to the fullest measure of my hopes."

Much has been said of late about the Federal finances and inflation, the gold standard, and so forth. Let me make the facts very simple and my policy very clear. In the first place, Government credit and Government currency are really one and the same thing. Behind Government bonds there is only a



promise to pay. Behind Government currency we have, in addition to the promise to pay, a reserve of gold and a small reserve of silver.

#### OUR LIMITED GOLD SUPPLY

In this connection it is worth while remembering that in the past the Government has agreed to redeem nearly thirty billions of its debts and its currency in gold and private corporations in this country have agreed to redeem another sixty or seventy billions of securities and mortgages in gold. The Government and private corporations were making these agreements when they knew full well that all of the gold in the United States amounted to only between three and four billions, and that all of the gold in all of the world amounted to only about eleven billions.

If the holders of these promises to pay started in to demand gold, the first-comers would get gold for a few days, and they would amount to about one twenty-fifth of the holders of the securities and the currency. The other 24 people out of 25, who did not happen to be at the top of the line, would be told politely that there was no more gold left. We have decided to treat all 25 in the same way, in the interest of justice and the exercise of the constitutional powers of this Government. We have placed every one on the same basis in order that the general good may be preserved.

Nevertheless, gold, and to a partial extent silver, are perfectly good bases for currency, and that is why I decided not to let any of the gold now in the country go out of it.

A series of conditions arose 3 weeks ago which very readily might have meant, first, a drain on our gold by foreign countries, and secondly, as a result of that, a flight of American capital, in the form of gold, out of our country. It is not exaggerating the possibility to tell you that such an occurrence might well have taken from us the major part of our gold reserve and resulted in such a further weakening of our Government and private credit as to bring on actual panic conditions and the complete stoppage of the wheels of industry.

#### POLICY ON PRICE RAISING

The administration has the definite objective of raising commodity prices to such an extent that those who have borrowed money will, on the average, be able to repay that money in the same kind of dollar which they borrowed. We do not seek to let them get such a cheap dollar that they will be able to pay back a great deal less than they borrowed. In other words, we seek to correct a wrong and not to create another wrong in the opposite direction. That is why powers are being given to the administration to provide, if necessary, for an enlargement of credit, in order to correct the existing wrong. These powers will be used when, as, and if it may be necessary to accomplish the purpose.

Hand in hand with the domestic situation which, of course, is our first concern, is the world situation, and I want to emphasize to you that the domestic situation is inevitably and deeply tied in with the conditions in all of the other nations of the world. In other words, we can get, in all probability, a fair measure of prosperity return in the United States, but it will not be permanent unless we get a return to prosperity all over the world.

In the conferences which we have held and are holding with the leaders of other nations we are seeking four great objectives:

First, a general reduction of armaments, and through this the removal of the fear of invasion and armed attack, and, at the same time, a reduction in armament costs, in order to help in the balancing of government budgets and the reduction of taxation.

Secondly, a cutting down of the trade barriers, in order to start the flow of exchange of crops and goods between nations.

Third, The setting up of a stabilization of currencies, in that trade can make contracts ahead.

Fourth, The reestablishment of friendly relations and greater confidence between all nations.

Our foreign visitors these past 3 weeks have responded to these purposes in a very helpful way. All of the nations have suffered alike in this great depression. They have all reached the conclusion that each can best be helped by the common action of all. It is in this spirit that our visitors have met with us and discussed our common problems. The international conference that lies before us must succeed. The future of the world demands it and we have each of us pledged ourselves to the best joint efforts to that end.

To you, the people of this country, all of us, the Members of the Congress and the members of this administration, owe a profound debt of gratitude. Throughout the depression you have been patient. You have granted us wide powers, you have encouraged us with a widespread approval of our purposes. Every ounce of strength and every resource at our command we have devoted to justifying your confidence. We are encouraged to believe that a wise and sensible beginning has been made. In the present spirit of mutual confidence and mutual encouragement, we go forward.

#### CALVIN COOLIDGE

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by Mr. Justice Stone in eulogy of the late President Coolidge.

The SPEAKER. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Speaker, under the permission granted me to extend my remarks in the RECORD, I am in-

serting the address made by Mr. Justice Harlan F. Stone, of the Supreme Court of the United States, at a meeting in memory of Calvin Coolidge held at Northampton, Mass., April 30, 1933.

The address is as follows:

On the 5th of January the country was startled by the announcement of the death at his home in this city of Calvin Coolidge, the thirtieth President of the United States. The very suddenness of his going, without warning, without hint of failing health, gave to his countrymen an indescribable shock and sense of bereavement. The quiet dignity and poise with which he had borne the burden of life had given to those who knew him best an illusion of his abiding physical strength and endurance. Unconsciously they had interpreted it in terms of his long life and long-continued public service. For them it was difficult to comprehend the sad truth that in the sixty-first year of a life devoted to the service of his country that strength and endurance were spent and the end had come. To all came an overwhelming sense of public loss; that in a time of peculiar stress and anxiety his capacity for wise counsel, the steadying influences of his personality and character were lost to the Nation.

His death brought to its conclusion a life of almost continuous public service. From the humblest elective office he had passed, step by step, from post to post, to which he had been chosen by the will of the people, to the highest office in the gift of the Nation—common councilman, solicitor, and mayor of this city, member of the Massachusetts Legislature, senator, Lieutenant Governor, and Governor of the State, Vice President and President of the United States—such is the formal record of his public service. Clearly, as we perceive its distinction and the high qualities he brought to it, its appraisal is not for us or for our generation. That must await the ultimate judgment of history.

We are assembled here today, not to pronounce a final verdict upon it but in the fullness of our hearts, in this all too brief an hour, to speak of him whom we have known as friend and neighbor, and of those attributes of mind and character which made him the man the Nation delighted to honor.

Calvin Coolidge was a distinctive product of New England. The strength and dignity of his character, his sane and balanced judgment, his common sense, were the true inheritance from ancestors who for 3 centuries had dwelt among the rugged hills of New England. John Coolidge, the first American member of the family, came from England in 1630 to the Massachusetts Bay Colony, where he settled in Watertown. In 1780 his descendant, John Coolidge, settled in Plymouth, Vt., which became his home and that of his descendants until the birth of Calvin Coolidge on July 4, 1872, the son of John Coolidge and Victoria Josephine Moor Coolidge. His mother's forbears, who were of Scotch-Welsh ancestry, had long dwelt in New England. From them, as from his paternal ancestors, Calvin Coolidge inherited those qualities of mind and character which, in so many instances, were carried forth from New England to make fruitful the intellectual and spiritual life of the Nation. On both sides his ancestors were of the race of pioneers who, building their homes in the New England wilderness, wrung a scanty livelihood from a reluctant soil. In lives of frugality and self-denial, with humble and unflinching devotion to the principles of religion and education, but with sturdy independence and the will to do battle for the right, they laid the foundations of that intellectual and moral leadership which for more than a century gave New England a dominating influence in American life.

Plymouth, at the time of Calvin Coolidge's birth, was, as it still is, like many another New England hill town. Its great natural beauty is more wild and rugged than that of the gentler slopes with which we are familiar along the Connecticut River Valley. Even when wrapped in the snows of winter, tall pine and verdant spruce and hemlock clothe its heights with a beauty which, entering into the very soul of the New Englander, becomes a permanent part of his being. Remote from cities and from the turmoil of business and industry, life there is simple, natural, and untroubled.

Here Calvin Coolidge spent a youth like that of many another New England country boy. His father was the chief man of the village, farmer, storekeeper, deputy sheriff, and member of the State legislature. He was a competent business man, thrifty, shrewd, and prudent. His integrity and sound judgment commanded the confidence and respect of the countryside. Neither direction nor discipline was wanting in the daily life of the son. There were chores to be done, simply homely duties to be performed. He shared with his father in the work of the farm and the store. Church, school, and the New England town meeting were the institutions which gave direction and character to the life of the community. Honesty, industry, thrift, and careful economy were the rule of his life and those about him. It was a life filled with the petty, but exacting, cares of a small and still primitive country town, a life that present-day boys might regard as dull and irksome. But it never seemed dull to him. In his later years the indelible impressions of his youth were often recalled and stated in terms of the beauty and poetry of the life among his native hills.

The simplicity of that life, its naturalness, its genuineness and essential dignity, had their possibilities of character building to be fully realized only in other times and at other places. Integrity—moral and intellectual—industry, thrift, fidelity to the day's task, however humble, and belief in the worthiness of public service, all his by inheritance, were nurtured and strengthened by environment.



Boy and man he was modest, reticent, silent; he had no small talk. His reticence, his unconquerable aversion to any form of self-advertisement concealed from casual acquaintances the clarity and vigor of his mind and his capacity to form judgments which could be firm and decisive when occasion demanded. Knowledge of these qualities of the inner man came slowly, even to his intimates, but with strangely cumulative force as the years and experience revealed them.

At 12 years of age tragedy came into his life with the death of his mother, then 39 years of age. Of her he said:

"She was practically an invalid ever after I could remember her, but used what strength she had in lavish care upon me and my sister, who was 3 years younger. There was a touch of mysticism and poetry in her nature which made her love to gaze at the purple sunsets and watch the evening stars. Whatever was grand and beautiful in form and color attracted her. It seemed as though the rich green tints of foliage and the blossoms of the flowers came for her in the springtime, and in the autumn it was for her that the mountain sides were struck with crimson and with gold."

Five years later the sister, too, was laid to rest in the Plymouth churchyard with his dead, "pillowed on the breast of the eternal hills."

Some years of the rough-and-ready training of the district school in the little stone schoolhouse of the village, 4 more at the Black River Academy at Ludlow, 12 miles away, interspersed with summer vacations spent in work on the farm, guided his footsteps to the threshold of Amherst College and for the first time into this community which, for most of his life, he was to regard as his home.

Only those who knew the Amherst of his day and in later years came to understand something of the inner workings of his mind can appreciate how profoundly Calvin Coolidge was affected by his experiences at Amherst. It is a small college, but it has always enjoyed the priceless blessing of the presence there of great teachers. For more than a century that presence has meant the intellectual and spiritual rebirth of eager students who have thronged its halls. The unobtrusive, green mountain boy who spent the years 1891 to 1895 in Amherst found there a small group of men who were great teachers because they were great men. Of them, those who, perhaps, made the most profound impression upon him were Professor Morse and Professor Garman. Morse was a teacher of history, of exceptionally enlightened and penetrating mind. All history in his view was to be measured in terms of human progress. The whole range of modern history was his province, but his discussions of the development of party government in the United States were a unique and important contribution in that field. He dealt with political parties as instruments of government essential to the functioning of democracy, by which the will of the people is formulated in public discussion and translated into political action at the polls. It was in the classroom of this gifted teacher that direction was given to that profound insight into the nature and function of party action which was to distinguish the career of his most famous student. It was no accident that Calvin Coolidge, a politician in the truest and noblest sense, always referred, and rightly, to worthy party service as public service.

Garman, the philosopher, taught his students to stand on their own feet intellectually, not to bow blindly and obsequiously to authority, but to be open-eyed seekers of the truth. Of him Calvin Coolidge said, in the full maturity of his judgment and experience: "We looked upon Garman as a man who walked with God. . . . In ethics he taught us that there is a standard of righteousness; that might does not make right; that the end does not justify the means; and that expediency as a working principle is bound to fail. The only hope of perfecting human relationships is in accordance with the law of service under which men are not so solicitous about what they shall get as they are about what they shall give. . . . For a man not to recognize the truth, not to be obedient to law, not to render allegiance to the State, is for him to be at war with his own nature—to commit suicide. That is why 'the wages of sin is death.' Unless we live rationally, we perish, physically, mentally, and spiritually."

These college experiences stirred profoundly the responsive soul beneath the quiet exterior of this New England boy. Repeatedly in after years he was to recur to them specifically or by unmistakable allusion. Calvin Coolidge was not given to self-revelation. But if we search beneath the surface for the guiding principles of his life we shall find them in his lifelong desire to be obedient to truth, to the law of service, and to adhere steadfastly to the principles of the rational life.

Graduating from college in 1895, he began his professional career in the office of prominent lawyers of this city. Here he established his home and maintained it until his death. To it he brought his bride, Grace Goodhue Coolidge, whom he married at Montpelier, Vt., in October, 1905, beginning a married life which, until the moment of his death, continued to be singularly fortunate and happy. Here their children, two sons, were born.

Study and practice of the law in this community and daily contacts with its business and social life completed the preparation for the role which he was to play in the political life of State and Nation. A superlative, natural talent for the art of politics enlisted his interest in the political activities of city and State and gradually drew him away from the practice of his chosen profession, in which he would otherwise have come to a position of leadership. "In general", he said, "only the man of broad and deep understanding of his fellow men can meet with much success in politics." He possessed that understanding in rare degree. That, and the unfailing loyalty and integrity with

which he administered every office for which he was chosen, brought to him success in 18 out of the 19 contests at the polls in which he engaged. They carried him by successive steps from membership in the city council of Northampton to the various other offices of city and State which he occupied, and finally to the Presidency of the United States.

In 1916, after serving in the lower house of the State legislature and after 2 years' service as State senator, he was again elected to the senate and chosen its presiding officer. On that occasion he made a notable address. It was notable in that it gives us, perhaps for the first time, a real insight into his maturing political philosophy, and reveals those qualities of mind which soon were to attract the attention of the Nation and to open the way to the highest office in its gift. Parts of this address were obviously directed to the problems of the hour, and so may now be regarded as but ephemeral, but some of it revealed a profound understanding of the problems of legislation and the enduring principles which should guide political action. Well known as they are, they are, nevertheless, worthy of repetition here.

"Do the day's work", he said. "If it be to protect the rights of the weak, whoever objects, do it. If it be to help a powerful corporation, better to serve the people, whatever the opposition, do that. Expect to be called a standpatter, but don't be a standpatter. Expect to be called a demagogue, but don't be a demagogue. Don't hesitate to be as revolutionary as science. Don't hesitate to be as reactionary as the multiplication table. Don't expect to build up the weak by pulling down the strong. Don't hurry to legislate. Give administration a chance to catch up with legislation."

"We need a broader, firmer, deeper faith in the people—a faith that men desire to do right; that the Commonwealth is founded upon a righteousness which will endure, a reconstructed faith that the final approval of the people is given not to demagogues, slavishly pandering to their selfishness, merchandising with the clamor of the hour, but to statesmen, ministering to their welfare, representing their deep, silent, abiding convictions."

"Statutes must appeal to more than material welfare. Wages won't satisfy, be they ever so large; nor houses; nor lands; nor coupons, though they fall thick as the leaves of autumn. Man has a spiritual nature. Touch it, and it must respond as the magnet responds to the pole. To that, not to selfishness, let the laws of the Commonwealth appeal. Recognize the immortal worth and dignity of man. Let the laws of Massachusetts proclaim to her humblest citizen, performing the most menial task, the recognition of his manhood; the recognition that all men are peers, the humblest with the most exalted; the recognition that all work is glorified. Such is the path to equality before the law. Such is the foundation of liberty under the law. Such is the sublime revelation of man's relation to man—democracy."

Here spoke the genius of New England, intelligently conservative, but also cautiously and wisely progressive; instinct with the spirit of justice for all men, with faith in the capacity of man's spiritual nature to triumph over a sordid materialism; and hence with faith in the capacity of democracy itself to function as both the source and the instrument of good government.

These were profound thoughts to come from the modest Hampshire County politician. Spoken to strengthen the faith of his fellow citizens in Massachusetts, they inspired in all to whom they came a profound faith in the speaker himself. It was a faith which never waned. After another year in the Senate, he took, as had become his habit, a step forward and upward, to become lieutenant governor for 3 years. The office was one involving both executive and administrative duties. It afforded renewed opportunity for public service and training for larger responsibilities which, in 1918, he assumed as Governor of the State.

His two terms as Governor were notable for their wise and efficient administration. In obedience to an amendment of the State constitution requiring reorganization of the administrative agencies of the State government he secured the requisite legislation and carried it into effect with skill and celerity. He did not hesitate to veto several measures, apparently popular, and to expose their fallacies. His first term was proceeding quietly, almost uneventfully, to its end when, within 2 months of the election in which he was to be a candidate for reelection, the State was suddenly thrown into a crisis, which proved to be also the crisis of his life. Efforts had been made to unionize the metropolitan police force of Boston, which was subject, in some very limited respects, to the ultimate authority of the Governor. Nineteen of its members had been tried and dismissed for joining a union in violation of police regulations. A strike of the police force was called and a general strike threatened. Two thirds of its members abandoned their posts and left the city without adequate police protection. The situation speedily became one occasioning grave concern. Here was irreconcilable conflict between supposed private interest and unmistakable public duty. Two paths were open to the Governor—the one, that of political expediency, with its temptation to yield to the exigencies of the moment, that a delusive larger good might come; the other, that of adherence to the principle of the supremacy of the law and the principle that the assumption of duty as guardians of the public safety admits of no conflicting allegiance. His choice was unhesitant, but decisive. As he said of it later, "The right thing to do never requires any subterfuge. It is always simple and direct." Unequivocally, he declared to the leader of organized labor, "You can depend on me to support you in every legal action and sound policy. I am equally determined to defend the sovereignty



of Massachusetts and to maintain the authority and jurisdiction over her public officers where it has been placed by the constitution and laws of her people." That declaration was translated into action.

The significance of his choice was not that it was made as it was; inheritance, training, and the character of the man made that inevitable. Its significance lay in the fact that the event had revealed the man. His action responded to the popular yearning for the public officer who has the faith and courage to take his political life in his hands that right and duty may prevail over expediency. It made him a national figure. Though he declined to authorize the use of his name as a candidate for the Presidency in the election of 1920, there was, nevertheless, widespread popular discussion of his fitness for the office. It resulted in his spontaneous nomination at the convention as candidate for the Vice-Presidency, which was followed by his election, and upon the death of President Harding on August 2, 1923, by his induction into the Presidency. The dramatic picture of the midnight scene when, in the simple surroundings of his Plymouth home, he took the oath of office, administered by his aged father, will long be vibrant in our memory.

The 6 years of his Presidency, we now know, marked the closing of an epoch. The people of the country, after the struggle on European battlefields, were intent on repairing the ravages of war upon our social and economic structure, and upon restoring the current of American life to its normal channels. Depletion of the world's stock of goods by war, the creation of new industries and new methods of production of goods in the mass, were stimulating an abnormal prosperity, with all its temptations to public and private extravagances. Avoidance of waste in public expenditures, the lightening of the burdens of taxation, the tightening of the ancient restrictions upon every form of improvidence in government, the establishment of friendly relations with all peoples, and the promotion of the cause of peace, were the immediate problems of government.

The talents of the new President and his political philosophy were peculiarly adapted to the times and their problems. He came, bringing no new or untried devices for meeting issues which were as old as government itself. In his philosophy of government, as of life, first things came first. The right thing to do was always simple and direct. Its essentials, written by George Mason, one of our wisest political thinkers, into the Virginia bill of rights, was restated in the constitution of Calvin Coolidge's native State: "Frequent recurrences to first principles", it affirms, "and firm adherence to justice, moderation, temperance, industry, and frugality are necessary to preserve the blessings of liberty and keep government free."

His first public speech as President, in New York City, and his first message to Congress outlined the policy of the new administration in plain, simple, and reassuring language. He worked steadily and persistently for the curtailment of public expense. In a single sentence he stated to Congress his unalterable opposition to bonus legislation. Four times during his administration the Internal Revenue System was revised, with the abolition of many taxes and the reduction of others. The national debt was steadily reduced. Every fiber of his being rebelled against governmental extravagance. Both in his public addresses and his practical administration of the National Budget he took infinite pains to give effect to the principle of economy of government. Annually, at a great meeting in Washington, he addressed all the administrative officers of the Government on the importance of the curtailment of Government expenditures. His insistent demand for economy, he said, "is not because I wish to save money, but because I wish to save the people. The men and women of this country who toil are the ones who bear the cost of Government. Every dollar that we carelessly waste means that their life will be so much the more meager. Every dollar that we prudently save means that their life will be so much the more abundant. Economy is idealism in its most practical form." Who, in the crisis of this present hour, viewing this policy in retrospect, can doubt its wisdom or fail to respect his steadfast adherence to it.

Steadily and consistently he promoted the cause of world peace. He favored our entrance to the Permanent Court of International Justice. Our relations with Mexico, for a generation a constant source of irritation and misunderstanding, were established on the firm basis of mutual confidence and good will. The manner in which that surprising change was accomplished, by the selection as Ambassador of his classmate and friend, Dwight Morrow, the man in whose competence for the task he rightly had unbounded confidence, is one of the most interesting chapters in our diplomatic history. It should ever be recalled as an example and reminder of the truth that we cannot hope for permanently peaceful relations with other nations without the mutual concession to each of what is justly its due, the equal recognition of rights, the cultivation of mutual understanding. His every public act, his every utterance concerning our foreign relations, clearly disclosed how thoroughly he understood that for these, the very foundations of any genuine peace, there can be no artificial substitute either by formal convention or by any species of coercion. That spirit inspired his address at the Pan American conference at Habana and animated the negotiations carried on under his direction which led to the ratification of the Paris peace pact by the principal nations of the world.

He had a rare capacity for administration, a talent which his reserve and simplicity of manner have tended to obscure. It was not by chance that the vast stream of public business which flows ceaselessly through the White House offices moved forward during

his administration with singular ease, effectiveness, and dispatch. His long experience in public office had prepared him for the far greater administrative tasks of the Presidency, but it was only the training and stimulation of a natural aptitude. His lifelong habit of economy in the expenditure of words, of time, of effort, speeded the public business. A sure instinct for the essential enabled him to disentangle the fundamental from the extraneous and to deal promptly with questions of policy without burdening himself unnecessarily with detail. He had the rare art, indispensable to efficient Executive action, of never permitting himself to be encumbered with burdens which others could bear. Always accessible to the heads of departments and to all others who had public business to transact, he listened willingly and attentively to a statement of their problems. But he never wasted his time or permitted others to waste it. Those who served in his administration found a durable satisfaction in Government service under such conditions. They made for efficient administration, insured loyal cooperation of all Government officials, and prompt dispatch of the public business. The smooth functioning of the governmental machinery during his administration was the result of the constant vigilance and wise action of one of the most competent administrators who has ever held the Presidential office.

Early in his administration the country was alarmed and dismayed at revelations of scandal at the very seat of the Government. High officials of his own party were implicated or under suspicion. There was grave danger that his administration would be wrecked by the sins of others. Only the most implicit confidence in his integrity, in his will and capacity to guide the Government in the paths of right conduct could have triumphed over that danger. Slow to condemn without adequate cause, unwilling to do injustice to others by listening to false accusations or yielding to popular clamor, he did not deviate from the path of duty. Once and for all he declared himself for the even-handed enforcement of the law. Without hesitation he used the powers of his high office and authorized the Attorney General to use the powers of his own to further the prosecutions which had been ordered and in every other respect to uphold the dignity and honor of the United States.

The revelations of the inner workings of his mind and conscience, which came with cumulative force from his public acts and pronouncements, inspired an extraordinary popular confidence in his honesty and wisdom. They speedily established confidence in the integrity of his administration of the Government. The people knew that no breath of scandal could touch his private or public acts, or those to whom he gave his confidence. Elected to a second term of office by great popular majority, there was an insistent and widespread demand that he should be elected to a third. It seemed certain that for the first time since the Presidency of George Washington, a President of the United States could be elected to a third successive term. His innate modesty, his respect for the traditions of our Government, his sane judgment of what was wise for the country and himself, precluded his taking that step, as inexorably as though it were forbidden by some changeless law of nature. "We draw our Presidents from the people", he said. "It is a wholesome thing for them to return to the people. I came from them; I wish to be one of them." And so in 1929, he returned to this community, as he came from it, and took up again, so far as it is possible for one who has been a President of the United States, the simple life which he had led here before he became a national figure.

Perhaps the most striking evidence of Calvin Coolidge's stability of character and practical wisdom is that all the adulation which is lavished upon a President left him unmoved. His coming to the Presidency was but a renewal, on a larger scale, of the experience which had been progressively repeated after he first ran for the Massachusetts Legislature. He who had been faithful unto a few things had been called upon to rule over many. It seems clear that even then he knew and appraised his own capacity far more accurately than did the public or even his friends. But the appraisal was a modest one, without any taint of exaggeration. Commendably ambitious to carry on his life-long career of public service, he put his faith in the principles that had guided his life and remained as he had always been, the plain, unassuming man. After 6 years in the intoxicating atmosphere of the incense which is burned at the feet of a President, surrounded as is every President, by so many who are eager to say "yes" and fearful to say "no", after an administration universally recognized as wise and successful, he left the Presidency as he came to it, with no inflated notions of his own personal worth and achievements, content to be judged by the faith that was in him.

In retirement he did not forget the dignity of the great office he had held. He turned away from opportunities for money-making in business which involved no public service and might restrict his freedom of action. He gave himself freely to useful public activities not inconsistent with the part he had played in our national life. He continued to serve as a trustee of Amherst College; he became a trustee of a great insurance company, moved by the opportunity presented to encourage habits of saving and thrift. He became president of the American Antiquarian Society. From time to time he published in the public prints articles in various form concerning his own biography, noncontroversial problems of government, and current events. In their quaint and homely philosophy, in their simplicity and directness, their appeal to the common sense and worthy aspirations of the great mass of the people, and in their wholesome influence they remind of the similar utterances of Benjamin Franklin, a great American of another day.



One cannot contemplate this unique career without being aware that there was something in the personality of this self-contained, self-effacing, silent man which baffles analysis, which seems at odds with the courageous, clear-thinking, efficient man whom ultimately all the world has come to know. We shall understand that personality only if we remember that devotion to the public service was its energizing force, that its ruling passion was to do worthily the worthy task which lay nearest at hand and to leave it unadvertised. To each task he brought, with unfailing devotion, all the resources of a sterling character and of an orderly and disciplined mind which instinctively made principle rather than expediency the test of action. The principles of government he reduced to their simplest terms and applied them directly without evasion or subterfuge. Government itself, in his estimation, like man's relation to man, rested on a spiritual basis. Yet there was a place in his philosophy for every human activity and interest which contribute to the public well-being. Hence the dignity and worthiness of work and the sanctity of rights of property were essential tenets of his belief. "People are entitled to the rewards of their industry," he said. "What they earn is theirs, no matter how small or how great. But the possession of property carries the obligation to use it in a larger service." Still, in his personal life material things found no place. He neither sought nor cared for wealth or possessions. Spiritual values were what counted with him. Things were important only insofar as they had a spiritual significance. "No person", he said, "was ever honored for what he received. Honor has been the reward for what he gave." "We do not need more of the things that are seen. We need more of the things that are unseen."

His undemonstrative exterior could not conceal the kindliness of his disposition and an almost passionate desire in all his dealings with men to keep faith and to avoid injustice to others. Slow to promise, the promise, once given, was a sacred obligation. Any attack directed against one upon whose action, character, or ability he had to pass judgment at once stirred him to come to the defense of the accused. This was no indication of what the final judgment might be. It seemed rather that his own tolerant spirit and sense of justice were roused to bar the way to hasty condemnation; that he was instinctively guarding against the wrong that might be done to others and to himself by any ill-considered or one-sided judgment. Even his political opponents recognized and respected this sense of obligation and the love of justice which unfailingly controlled his action. Enmities played no part in his life. He bore no grudges and inspired none. After more than 30 years of active political life, he left office with the esteem and affection of his countrymen, which knew no party boundaries.

He was a deeply religious man. Although religion was in the daily atmosphere of his boyhood home, his religion was neither an inheritance nor a mere habit. It was the deliberate, considerate choice of a man who ever sought the path of right and truth. It was not worn as a garment for the world to see, but reserved for the guidance of the inner man, regardless of what others might think or say.

He was a scholarly man, widely read in the fields of history and government. Wise in the ways of man by contact and experience, he retained through life the capacity to learn from books.

Sparing of speech, he nevertheless made many public addresses. Uniformly elevated in thought, their simplicity and directness, the poetry of their expression and allusion, gave them a distinguished quality of literary excellence rising at times to the heights of true eloquence. Those were noble lines spoken at the three hundredth anniversary of the landing of the Pilgrims at Plymouth, Mass.:

"Plymouth Rock does not mark a beginning or an end. It marks a revelation of that which is without beginning and without end—a purpose, shining through eternity with a resplendent light, undimmed even by the imperfections of men; and a response, an answering purpose, from those who, oblivious, disdainful of all else, sailed hither, seeking only for an avenue for the immortal soul."

Touching in their simple eloquence are the words spoken in an address in memory of Theodore Roosevelt:

"No man was ever meanly born. About his cradle is the wondrous miracle of life. He may descend into the depths, he may live in infamy and perish miserably, but he is born great. Men build monuments above the graves of their heroes to mark the end of a great life, but women seek out the birthplace and build their shrine, not where a great life had its ending but where it had its beginning, seeking with a truer instinct the common source of things not in that which is gone forever but in that which they know will again be manifest. Life may depart, but the source of life is constant."

We shall not understand the man or form a correct estimate of his life if we leave out of account the part Mrs. Coolidge played in it. Her unfailing graciousness and tact, her natural charm, her vivacity, her intelligence and intuitive good judgment, were aids of inestimable value in smoothing the pathway of his life, in interpreting him to his countrymen, and in gaining for both the abiding respect and affection of the Nation.

If by some miracle Calvin Coolidge could have been induced to give his own estimate of his character and attainments it is certain that he would have disclaimed any exceptional personal merit. He would have attributed his success to the validity of the principles of action to which he had given his adherence. To remain through life the steadfast seeker for the truth, to follow its light without faltering, patiently, persistently, and courageously, is the very soul of wisdom and the foundation upon

which most great careers are built. It was the almost instinctive recognition of this side of his character which inspired the extraordinary public confidence in him. As that and the simplicity of his tastes, his shrewdness, his all-embracing intellectual honesty, his sense of humor, revealed to those about him in quaint and pithy phrase, became known, they won to him the sympathetic understanding of his countrymen. They gave to him a moral power such as no other has wielded in our generation.

Hence it is that, as distinguished as is Calvin Coolidge's public service, it is what he was, typifying the faith and aspirations of the great mass of the people, even more than what he did, which gives his career its true significance and will finally determine its place in history.

It is a comforting thought, inspiring renewed confidence in the future, that in times when mere material values have seemed to outweigh things of the mind and spirit, sheer force of character has made so profound an impression, and that its example is so universally cherished. "Righteousness exalteth the Nation." The Nation exalts itself in doing honor to this man, who, above all else, put his faith in righteousness as the rule of life—as the indispensable principle of government.

#### INVESTIGATION OF JUDGE JAMES A. LOWELL

Mr. WARREN. Mr. Speaker, I call up House Resolution 132 from the Committee on Accounts and ask that it be read:

The Clerk read as follows:

#### House Resolution 132

*Resolved*, That the expenses of conducting the investigation authorized by House Resolution 120, authorizing the Judiciary Committee to investigate the official conduct of James A. Lowell, a district judge for the United States District Court for the District of Massachusetts, shall be paid out of the contingent fund of the House on vouchers authorized by the committee, signed by the chairman thereof, and approved by the Committee on Accounts, but shall not exceed \$5,000.

Mr. WARREN. Mr. Speaker, on April 26, 1933, the House passed a resolution authorizing an investigation of the official conduct of Judge James A. Lowell, and attempted at the same time to appropriate \$5,000 for that purpose. Under the faulty resolution passed by the House the Committee on Accounts has no authority whatever to approve a single voucher. This invariably happens every time there is an attempt made in the House to overrule the Committee on Accounts, which is properly the auditing committee of the House, and I believe that the House desires that it continue to be the auditing committee for these investigations. I can personally testify that during the last 8 years the Committee on Accounts has saved thousands of dollars because of its close scrutiny of the expenditures of these investigations. This is merely to remedy the defect in the original resolution.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. WARREN. Yes.

Mr. SNELL. I did not understand how the gentleman is going to remedy that defect.

Mr. WARREN. The House by roll-call vote attempted to appropriate \$5,000 for this investigation. The Committee on Accounts has no authority to approve vouchers under the resolution as passed by the House. The gentleman from Virginia [Mr. SMITH] has introduced this resolution, which has been referred to the Committee on Accounts in the usual form, and I am now calling that resolution up for passage.

Mr. SNELL. And that leaves the matter entirely up to the Committee on Accounts?

Mr. WARREN. Yes.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. WARREN. Yes.

Mr. BLANTON. This particular \$5,000 is to be expended for what investigation?

Mr. WARREN. For investigation into the official conduct of Judge James A. Lowell, of Massachusetts.

Mr. BLANTON. Did the resolution to investigate first go to the Committee on the Judiciary?

Mr. WARREN. It did not go to any committee. I was unavoidably absent from the House when the resolution came up. That prevented my making a point of order at that time. I am always going to make these points of order.

Mr. BLANTON. Does not the gentleman think that such a resolution as that, before it receives the approval of this House, ought to go to the Committee on the Judiciary and receive its approval?



Mr. WARREN. As I understand it, the resolution as presented by the gentleman from Virginia on April 26 was privileged.

Mr. BLANTON. And unless we pass this resolution there will be no money appropriated or spent?

Mr. WARREN. That is correct.

Mr. BLANTON. Why does not the gentleman let the matter remain in status quo until it does go to a proper committee? If there is no danger of spending any money, why worry?

Mr. WARREN. Because the House by a roll-call vote authorized this investigation, and the Committee on Accounts thinks that the fair thing to do is to carry out the purpose and the intent of the House.

Mr. BLANTON. Then, under the gentleman's resolution, the whole matter goes to his committee; and if his committee thinks this ought not to be spent, it will turn it down. Is that the situation?

Mr. WARREN. No; that is not the situation.

Mr. BLANTON. What will be the effect of the gentleman's action?

Mr. WARREN. The Committee on Accounts will merely approve the expenditures up to \$5,000.

Mr. BLANTON. Blindly, without giving the proposed expenditure due consideration, without even casually thinking about it?

Mr. WARREN. The Committee on Accounts would only have authority to audit and scrutinize the expenditures made out of the \$5,000 upon approval by the Chairman of the Committee on the Judiciary, and this the committee will do.

Mr. BLANTON. I am against wasting money on useless investigations, and from now on I am going to try to stop them. But in view of the fact that the House has determined that this one is wise and necessary, and I have confidence in my friend and his committee, I am willing to vote for this resolution.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield me 3 minutes?

Mr. WARREN. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Speaker, I opposed the original resolution when it was pending on the floor of the House. I opposed this resolution in the committee last week.

I think the action taken by the House in passing the original resolution was a mistake, and I am not considering the merits of the case which caused this action. I feel that the resolution that was passed is full of TNT. I recall, and the older Members here will recall, that there is a blot upon the record of this House that will never be erased. I refer to the Victor Berger case. Victor Berger, the leader of the school of thought of his political party, was convicted by a United States district court of violating the Espionage Act, and on that account he was denied a seat in this body. His case went to the court of appeals, and the court of appeals unanimously said that he was not guilty.

He went back to his people and was reelected to this House and he was received here with open arms. An innocent man was denied a seat in this House because a lower court had held he was guilty.

Now, what is the situation here? A district judge renders a certain decision and it is proposed to investigate the act of that district judge. The case has now gone to the court of appeals. If the court of appeals affirms the decision, stands by the district judge, are you not in honor bound to investigate the entire membership of the court of appeals? I say the Committee on the Judiciary should wait until this case is finally determined by the courts having jurisdiction. It will be time enough to act after the last court has said the final word. I simply wanted to state for the RECORD why I oppose the resolution.

Mr. WARREN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BLANCHARD) there were yeas 109 and noes 60.

Mr. DE PRIEST. Mr. Speaker, I make the point of order that there is not a quorum present, and I object to the vote on that ground.

The SPEAKER. The Chair will count. [After counting.] Two hundred and eighteen Members are present, a quorum.

Mr. DE PRIEST. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. As many as favor taking this vote by the yeas and nays will stand and remain standing until counted. [After counting.] Forty-five Members have arisen, a sufficient number.

The yeas and nays were ordered.

The question was taken; and there were—yeas 186, nays 160, answered "present" 8, not voting 77, as follows:

[Roll No. 34]

YEAS—186

Abernethy	Dingell	Lemke	Ruffin
Allgood	Disney	Lesinski	Sanders
Bailey	Dobbins	Lewis, Md.	Sandlin
Beam	Dockweiler	Lloyd	Scrugham
Beiter	Doughton	Lozier	Sears
Berlin	Doxey	McCarthy	Shallenberger
Biermann	Driver	McClintic	Sirovich
Bland	Duncan, Mo.	McFadden	Sisson
Blanton	Eagle	McFarlane	Smith, Va.
Bolleau	Ellzey, Miss.	McKeown	Snyder
Brennan	Faddis	McMillan	Spence
Brown, Ky.	Flannagan	McReynolds	Steagall
Brown, Mich.	Frear	McSwain	Strong, Tex.
Browning	Fuller	Maloney, La.	Stubbs
Buck	Fulmer	Mansfield	Swank
Bulwinkle	Gambrill	May	Tarver
Burch	Gasque	Meeks	Taylor, Colo.
Burke, Calif.	Glover	Miller	Taylor, S.C.
Byrns	Green	Milligan	Terrell
Cady	Greenwood	Mitchell	Thom
Caldwell	Gregory	Monaghan	Thomason, Tex.
Cannon, Mo.	Griffin	Montet	Thompson, Ill.
Carden	Haines	Moran	Turner
Cary	Hamilton	Morehead	Umstead
Castellow	Hart	Murdock	Underwood
Chapman	Hastings	Nesbit	Utterback
Chavez	Hildebrandt	O'Connell	Vinson, Ga.
Church	Hill, Ala.	O'Connor	Vinson, Ky.
Clark, N.C.	Hill, Knute	O'Malley	Wallgren
Coffin	Hill, Samuel B.	Oliver, Ala.	Warren
Colden	Huddleston	Palmisano	Weaver
Cole	Jacobsen	Parker, Ga.	Weideman
Colmer	Jeffers	Parks	Welch
Cooper, Tenn.	Johnson, Minn.	Patman	Werner
Corning	Johnson, Okla.	Peavey	West, Ohio
Cox	Johnson, Tex.	Peterson	West, Tex.
Cravens	Jones	Polk	White
Crosby	Kee	Pou	Whittington
Cross	Kemp	Ramsay	Wilcox
Crowe	Kerr	Ramspeck	Willford
Cummings	Kieberg	Randolph	Williams
Darden	Kocalkowski	Rankin	Wilson
Dear	Kramer	Rayburn	Withrow
Deen	Kvale	Richards	Wood, Ga.
DeRouen	Lambeth	Robertson	Woodrum
Dickinson	Lanham	Robinson	
Dies	Lee, Mo.	Rogers, Okla.	

NAYS—160

Allen	Connolly	Ford	Johnson, W. Va.
Andrew, Mass.	Cooper, Ohio	Foss	Kahn
Andrews, N.Y.	Crosser	Gibson	Keller
Bacon	Crowther	Gilchrist	Kelly, Ill.
Beck	Culkin	Gillespie	Kelly, Pa.
Blanchard	Darrow	Gillette	Kennedy
Bloom	Delaney	Goss	Kinzer
Boehne	De Priest	Granfield	Kloeb
Boland	Dirksen	Gray	Kniffin
Bolton	Dondero	Griswold	Knutson
Britten	Douglass	Guyer	Kopplemann
Brumm	Doutrich	Hancock, N.Y.	Lambertson
Burke, Nebr.	Dowell	Harlan	Lamneck
Burnham	Duffey	Harter	Lanzetta
Cannon, Wis.	Durgan, Ind.	Hartley	Larrabee
Carpenter, Kans.	Eaton	Healey	Lehlbach
Carter, Calif.	Edmonds	Hess	Lindsay
Carter, Wyo.	Elcher	Hoepfel	Luce
Cavichia	Elise, Calif.	Hollister	Ludlow
Celler	Englebright	Holmes	Lundeen
Chase	Evans	Hooper	McCormack
Christianson	Farley	Hope	McGrath
Clarke, N.Y.	Flesinger	Hughes	McGugin
Cochran, Mo.	Fish	Imhoff	McLean
Cochran, Pa.	Fitzgibbons	James	McLeod
Collins, Calif.	Fitzpatrick	Jenckes	Maloney, Conn.
Connery	Fletcher	Jenkins	Mapes



Marshall	Pierce	Shoemaker	Traeger
Martin, Colo.	Powers	Sinclair	Treadway
Martin, Mass.	Ransley	Smith, W. Va.	Truax
Martin, Oreg.	Relly	Snell	Turpin
Mead	Rich	Stalker	Walter
Merritt	Richardson	Studley	Watson
Millard	Rogers, Mass.	Sutphin	Wearin
Mott	Rogers, N.H.	Sweeney	Whitley
Musselwhite	Schaefer	Swick	Wigglesworth
Parker, N.Y.	Schuetz	Taber	Wolcott
Parsons	Schulte	Taylor, Tenn.	Wolverton
Pettengill	Secrest	Thurston	Woodruff
Peyser	Seger	Tinkham	Young

## ANSWERED "PRESENT"—8

Adams	Condon	Kurtz	Major
Beedy	Dunn	Lewis, Colo.	Sumners, Tex.

## NOT VOTING—77

Adair	Cartwright	Howard	Romjue
Almon	Claiborne	Kennedy, Md.	Rudd
Arens	Collins, Miss.	Kennedy, N.Y.	Sabath
Arnold	Crump	Lea, Calif.	Sadowski
Auf der Heide	Cullen	Lehr	Shannon
Ayers, Mont.	Dickstein	McDuffie	Simpson
Ayres, Kans.	Ditter	Marland	Smith, Wash.
Bacharach	Drewry	Montague	Somers, N.Y.
Bakewell	Fernandez	Moynihan	Stokes
Bankhead	Focht	Muldowney	Strong, Pa.
Black	Foulkes	Norton	Sullivan
Boylan	Gavagan	O'Brien	Tobey
Brand	Gifford	Oliver, N.Y.	Wadsworth
Brooks	Goldsborough	Owen	Waldron
Brunner	Goodwin	Perkins	Wolfenden
Buchanan	Hancock, N.C.	Prall	Wood, Mo.
Buckbee	Henney	Ragon	Zioncheck
Busby	Higgins	Reece	
Carley	Hoidale	Reed, N.Y.	
Carpenter, Nebr.	Hornor	Reid, Ill.	

So the resolution was agreed to.

The Clerk announced the following pairs:  
On this vote:

Mr. Cartwright (for) with Mr. Wadsworth (against).  
Mr. Brand (for) with Mr. Wolfenden (against).  
Mr. Drewry (for) with Mr. Bacharach (against).  
Mr. Montague (for) with Mr. Reed of New York (against).  
Mr. Owen (for) with Mr. Tobey (against).  
Mr. Almon (for) with Mr. Gavagan (against).  
Mr. Hancock of North Carolina (for) with Mr. Cullen (against).  
Mr. Bankhead (for) with Mr. Ditter (against).  
Mr. McDuffie (for) with Mr. Bakewell (against).  
Mr. Fernandez (for) with Mr. Muldowney (against).  
Mr. Busby (for) with Mr. Goodwin (against).  
Mr. Hornor (for) with Mr. Prall (against).  
Mr. Ragon (for) with Mr. Rudd (against).  
Mr. Ayers of Montana (for) with Mr. Adair (against).  
Mr. Collins (for) with Mr. Sullivan (against).  
Mr. Goldsborough (for) with Mr. Auf der Heide (against).  
Mr. Kennedy of Maryland (for) with Mr. O'Brien (against).

## General pairs:

Mrs. Norton with Mr. Simpson.  
Mr. Ayres of Kansas with Mr. Gifford.  
Mr. Kennedy of New York with Mr. Buckbee.  
Mr. Buchanan with Mr. Higgins.  
Mr. Arnold with Mr. Perkins.  
Mr. Somers of New York with Mr. Reid of Illinois.  
Mr. Carley with Mr. Waldron.  
Mr. Dickstein with Mr. Reece.  
Mr. Crump with Mr. Focht.  
Mr. Claiborne with Mr. Moynihan.  
Mr. Brunner with Mr. Strong of Pennsylvania.  
Mr. Howard with Mr. Stokes.  
Mr. Romjue with Mr. Arens.  
Mr. Oliver of New York with Mr. Zioncheck.  
Mr. Boylan with Mr. Lehr.  
Mr. Black with Mr. Brooks.  
Mr. Shannon with Mr. Carpenter of Nebraska.  
Mr. Smith of Washington with Mr. Wood of Missouri.  
Mr. Henney with Mr. Hoidale.  
Mr. Marland with Mr. Foulkes.

Mr. JOHNSON of Oklahoma. Mr. Speaker, my colleague, Mr. CARTWRIGHT, is unavoidably absent. I am authorized to say if he were present he would vote "aye."

The result of the vote was announced as above recorded.

On motion by Mr. WARREN, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

## MUSCLE SHOALS

Mr. POU, from the Committee on Rules, submitted the following privileged report (H.Res. 131) on the bill, H.R. 5081, for printing under the rules:

## House Resolution 131

Resolved, That immediately upon the adoption of this resolution, the bill (H.R. 5081) entitled "A bill to provide for the common defense; to aid interstate commerce by navigation; to provide

flood control; to promote the general welfare by creating the Tennessee Valley Authority; to operate the Muscle Shoals properties; and to encourage agricultural, industrial, and economic development" be, and the same is hereby, taken from the Speaker's table to the end that the amendment of the Senate be, and the same is hereby, disagreed to and a conference is requested with the Senate on the disagreeing votes of the two Houses.

## ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. DOUGHTON. Mr. Speaker, I present the following privileged resolution and move its adoption.

The Clerk read as follows:

## House Resolution 134

Resolved, That the following Members be, and they are hereby, elected members of the following standing committees of the House of Representatives, to wit:

Merchant Marine, Radio, and Fisheries: JOE H. EAGLE, Texas.

Mines and Mining: ALBERT C. WILLFORD, Iowa.

Elections No. 1: MILTON H. WEST, Texas.

Immigration and Naturalization: MILTON H. WEST, Texas.

Irrigation and Reclamation: MILTON H. WEST, Texas.

The resolution was agreed to.

## THE MEMORY OF SHAKESPEARE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech made by the distinguished gentleman from Pennsylvania, Mr. BECK.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

Mr. RANKIN. Mr. Speaker, under the permission granted me to extend my remarks in the RECORD, I take pleasure in inserting an address delivered by the distinguished gentleman from Pennsylvania [Mr. BECK] in the National Cathedral in Washington on April 23, 1933, the anniversary of the birth and also of the death of the "myriad-minded" Shakespeare, the "greatest genius of the human race."

It has been said that three things are necessary for the performance of a great accomplishment: the man, the hour, and the opportunity. These three requisites were happily combined when the able and learned gentleman from Pennsylvania was called upon to speak on this anniversary occasion on the life and works of the man whose writings did more to shape the course of our western civilization than of any other human being who ever lived "in the tides of time."

His address is a masterpiece and one that will be read and enjoyed by the intelligent people of the English-speaking world long after we have all passed away.

The address follows:

This is St. George's Day. The revered, but somewhat mythical, Saint has symbolized for centuries the romance and chivalry of the English race. On the Sunday following the armistice it was my privilege to speak from the pulpit of an Anglican church in England. One half of my audience were wounded English soldiers, and the valor and fortitude they represented seemed to illustrate the flaming line of Shakespeare:

"Our ancient work of courage—fair St. George!"

It is a happy coincidence that on St. George's Day, William Shakespeare was born, and on the same saint's day he died, 52 years later, for no one has ever given nobler expression to the higher ideals and heroic chivalry of the English-speaking race than the Stratford poet. Equally happy is the fact that he was born in the spring, when nature's loveliest poems, the flowers, "do paint the meadows with delight", for he was destined to bring into the world the eternal spring of a beautiful and noble imagination, and his books reveal that he loved nothing more than the beauties of nature.

Shakespeare's medium was the theater, and the theater is the child of the church, for it developed from the mystery and morality plays, with which the medieval church sought to dramatize either the great stories of the Bible or the sublime moralities of Holy Writ. It is an infinite pity that the theater, potentially one of the noblest cultural institutions of mankind, should have wandered so far from its mother's influences. Its debasement through the inordinate spirit of commercialism is an immeasurable waste of a great moral and cultural asset.

Of all the children of men, who have written for the theater, incomparably the greatest is William Shakespeare. This is now the common verdict of mankind.

You can measure the magnitude of his achievement, if you will go to the Folger Shakespeare Library in Washington—the noblest memorial to the great poet in all the world—and you will see, in the great reading room, more than 2,000 separate editions



of Shakespeare, and that treasure house contains more than 70,000 volumes, relating in some degree to the great poet. Perhaps the most striking tribute to the timeless substance of his reputation is that stated by one of his greatest editors, Dr. Furness, in the introduction of the variorum edition of Hamlet. Speaking of this character of Hamlet, he says:

"No one of mortal mold 'save Him whose blessed feet were nailed for our advantage to the bitter cross' [a quotation from Shakespeare] ever trod this earth commanding such absorbing interest as this Hamlet, this mere creation of a poet's brain. No syllable that he whispered, no word let fall by anyone near him, but is caught and pondered as no words have ever been, except of Holy Writ. Upon no throne built by mortal hands has ever beat so fierce a light as upon that airy fabric reared at Elsinore."

Of Shakespeare's personality, we know little, but that little is favorable. The uniform testimony of those who knew him was that he was a man of an open, frank nature, whose distinguishing quality was his gentleness. His associates felt for him not only unbounded admiration, but a feeling of deep affection. Long after his death, his great rival said that he loved the man "this side of idolatry", and his fellow actors, who piously collected his plays after his death, gave as their excuse that their purpose was not one of self-profit or fame, but simply to keep alive the memory of "so worthy a man as was our Shakespeare." Note the affection of the pronoun.

Of his many-sided greatness there is no time to speak; and even if there were, words would be inadequate. But it seems appropriate in this sacred edifice to dwell briefly upon the relation, if any, which Shakespeare's moral philosophy bears to the eternal truths of revealed religion.

That he was a churchman, at least in the outward observance of the ceremonials of the Anglican Church, is evidenced by the unquestioned records of his family life. In an Anglican Church he was baptized, and within its chancel he is buried.

I like to think of him in the evening of his life, sitting on a Sunday in the lovely church on the sweetly flowing Avon, listening to the noble ritual of the church, and pondering with that great mind of his upon the utterances of the preacher. He died when only 52 years of age; and had he been given his threescore and ten, who can say what profound play he might have written, of a deeply religious character?

His mighty verse contains many references to Biblical events and Scriptural truths. While many of these are casual and perfunctory, yet some contain very tender allusions to the doctrines of Christianity. What nobler gloss is there in all literature upon the beatitude "Blessed are the merciful, for they shall obtain mercy", than Portia's exquisitely beautiful plea for mercy, in which she refers to the Lord's Prayer in the words:

"We all do pray for mercy, and that same prayer should teach us all to render the deeds of mercy."

And was ever the spirit of Christmastide more beautifully expressed than in Hamlet, where Marcellus says:

"Some say, that ever 'gainst that season comes  
Wherein our Savior's birth is celebrated,  
This bird of dawning singeth all night long;  
And then, they say, no spirit dare walk  
abroad;  
The nights are wholesome; then no planets  
strike,  
No fairy takes, nor witch hath power to  
charm,  
So hallow'd and so gracious is that time."

We are however more concerned with the answer, if any, which Shakespeare sought to give to the unsolved problems of life. The great tragedies which he largely wrote in the middle period of his life and which superficially seem to suggest his belief in an irresistible and implacable fate—like the ananke of the Greek tragedies—do not themselves indicate that Shakespeare regarded the moral world an unfathomable vacuum. If any deduction can be drawn from the nature of his plots—nearly all of which he borrowed from older sources—then it is significant that in his later plays, written in his last years in the quiet of his Stratford home, the sweeter themes of repentance, kindness, and mercy seem to animate his verse. While I have always distrusted the autobiographical interpretation of Shakespeare's plays, yet it may be true that from the exuberant joy of his youth, when his finest comedies and noblest histories were written, he may have passed, in middle life, into the dark shadow of a moral crisis, from which he emerged in his later years with a larger spirit of kindness, magnanimity, and faith. If so, it was as "light at eventide."

While he did not believe in fate, in the Greek sense of an implacable power which predetermines our existence and determines our destiny beyond any power of volition on our part, yet he did recognize the fateful part that even a trivial accident can play in the life of a man. But he always recognized that it was the conjunction of accident with some fatal defect in character that brought about a tragic result. He believed that man was "master of his soul and captain of his fate", provided that he had the character to cope with adverse circumstance. Man is not a mere pawn to be moved on the chessboard of life by an all-powerful and implacable destiny. As he made his Cassius say: "The fault, dear Brutus, is not in our stars, but in ourselves, that we are underlings."

The only fatality that Shakespeare recognizes is a fatality that springs from the man himself. In this respect he was a stern moralist, for, as previously suggested, he believed that an other-

wise noble nature might be destroyed by a single defect. This was the keynote to Hamlet, for he tells us in one of the most disputed passages that one "dram of evil" can corrupt the noble substance of a man. With Macbeth it was ambition; with Hamlet, lack of faith; with Coriolanus, a spiritual arrogance; with Brutus, a visionary idealism; with Lear, a too impulsive and passionate nature, aggravated by senile decay. Given a well-balanced character a man can overcome adverse circumstance and can see "tongues in trees, books in the running brook, sermons in stones, and good in everything."

Throughout all his plays, there is the finest recognition of all that is noble and great in human nature, and a corresponding dislike of all that is base and trivial, so that one of his greatest critics, Coleridge, could say with truth that Shakespeare "was a writer, of all others, the most calculated to make his readers better as well as wiser."

This may be said with frank recognition, that a relatively small part of his works contains passages which on the ground of propriety could have been profitably omitted. The conventions of his age explain, but cannot justify his rare lapses in good taste.

While he had an inextinguishable hatred of the meaner vices, like hypocrisy and ingratitude, yet, for the common frailties of human nature, he had only a tolerant pity, for he said, "Forbear to judge, for we are sinners all." And, again, in the words of Rosalind:

"I will chide no breather alive except myself,  
Against whom I know most faults."

A gloss upon the saying, "Judge not and ye shall not be judged."

I do not suggest that Shakespeare was consciously a moral preacher. Primarily, he wrote for the theater, and nothing was further from his purpose than to usurp the function of the church. Yet those who will search diligently his masterful writings, and disregard the incidents of borrowed plots and the utterances of individual characters (which do not always represent Shakespeare's own views), will find that independent of both plot and character there is often a lofty moral purpose in Shakespeare's writing and a devout belief in an overruling Providence.

Let me illustrate this by a reference to a single play, Hamlet, by common consent the greatest of his tragedies, in which Shakespeare depicts a noble mind for a time enveloped in the dark shadow of unbelief, who was finally brought to believe in an overruling Providence. He makes this character say, as the keynote to the tragedy, that it is not enough for a man to be preponderantly good, for one "dram of evil" may bring a noble character to ruin.

In my judgment the two greatest dramatic compositions in all literature are the Book of Job and the tragedy of Hamlet. Of the two, the earlier dramatic poem is the greater, for never in my judgment has the human mind risen on the wings of imagination to such sublime heights as in this dramatic poem, possibly written by some nomad chief, who, with the infinitude of the desert about him and the starry sky as his ceiling, tried to penetrate the greatest of all mysteries of human life, namely, the dark enigma of evil in the world.

Only secondary to the Book of Job is this masterpiece of the English poet, who addresses himself to the same eternal question. The two plays differ in detail, but not in kind: The old patriarch, Job, overwhelmed by his sorrows, curses the day of his birth, longs for death, and challenges the justice of God in imposing unmerited sufferings upon him. Having heard his lamentations, the Almighty answers him out of the whirlwind by the eternal reply:

"Who is this that darkeneth counsel by words without knowledge?  
Where wast thou when I laid the foundations of the earth?"

And Job, appalled at his own audacity in questioning the design of an overruling Providence, bows in resignation to the eternal will.

The problem is the same in Hamlet. It is true that Hamlet does not suffer, as Job does, in his material possessions or in his physical well-being. From a material standpoint he has everything that a man would wish, but that which appalled him, as the sufferings of Job appalled Job, was the iniquity of the world.

Coming from college, he found the illusions of his youth wholly shattered. The ways of life became "stale, flat, and unprofitable." Life was an "unweeded garden, that grows to seed; things rank and gross in nature possess it merely." The world was a prison and Denmark one of the worst of its dungeons. Losing faith not only in himself, his fellow men, and the work appointed to him to do, but even in his God, Hamlet longs for death, and the purpose of the poet in developing the agnosticism of Hamlet is strikingly shown in a change that he made in the "To be or not to be" soliloquy, between the first version of the play and the second.

He is wondering why men endure the wickedness of the world when a voluntary exit is so easy, and in the first version he says:

"And in the dream of death when we awake  
And borne before an everlasting Judge,  
From whence no passenger ever returned,  
The undiscover'd country at whose sight  
The happy smile and the accursed damn,  
But for this the joyful hope of this"—

And so forth. In other words, he says that it is the hope of a better life, where all will be made right, that puzzles us here, which deters man from violating the canon against self-slaughter.



But when he revises the play, he gives as a reason for men's willingness to live:

"But that the dread of something after death,  
The undiscover'd country, from whose bourn  
No traveler returns, puzzles the will,  
And makes us rather bear those ills we have  
Than fly to others that we know not of?"

The depth of his skepticism is even more strikingly illustrated in one of the noblest, and yet most terrible, passages of Shakespeare. In explaining to his friends the cause of his melancholy, Hamlet says:

"I have of late—but wherefore I know not—lost all my mirth; foregone all custom of exercise; and indeed it goes so heavily with my disposition that this goodly frame, the earth, seems to me a sterile promontory; this most excellent canopy, the air—look you!—this brave o'erhanging firmament, this majestical roof fretted with golden fire—why, it appears no other thing to me but a foul and pestilent congregation of vapors."

The dismal teachings of science cannot go further than this picture of the physical universe. Then, curiously enough, he launches into the praise of man by saying:

"What a piece of work is a man! How noble in reason! how infinite in faculty! in form, in moving, how express and admirable! in action how like an angel! in apprehension how like a god! the beauty of the world! the paragon of animals!"

And yet this noblest panegyric upon man he quickly turns into the pessimistic cry:

"And yet to me, what is this quintessence of dust?"

I should not dwell upon this tragic mood of Hamlet, which so strikingly resembles the fiery and passionate protest of Job against the justice of his fate, were it not for the sequel.

Hamlet is sent to England to be assassinated. By a series of extraordinary events, to which neither his volition nor his deeds contributed, he is saved. Impressed by this evidence of an overruling providence, the skeptical Hamlet becomes a believer, even though his faith did not arise above the prayer: "I believe; help Thou my unbelief."

This is clearly indicated in the last act of the tragedy. In explaining his miraculous escape to his friend, Horatio, Hamlet says that "even in that was Heaven ordain'd", and when he has a presentiment that he is going to his death and Horatio begs him to obey the presentiment, Hamlet says:

"We defy augury: there is a special providence in the fall of a sparrow."

Then, speaking of death, he says:

"If it be now, 'tis not to come; if it be not to come, it will be now; if it be not now, yet it will come; the readiness is all."

This is something more than the spirit of fatalism, and it is significant that Hamlet's expression of faith, that "there is a special Providence in the fall of a sparrow" is a paraphrase of Christ's saying:

"Are not two sparrows sold for a farthing? and one of them shall not fall to the ground without your Father." (St. Matthew 10:29.)

What could be more Christlike than Hamlet's forgiveness of Laertes when, realizing that he had been the victim of the basest treachery at Laertes' hands, yet, when Laertes appeals to him to forgive the foul crime, he says:

"Heaven make thee free of it!  
I follow thee."

There is a final parallel. Job veiled his face and submitted himself to the will of the Almighty by saying:

"Behold, I am of small account. What shall I answer Thee? I lay my hands upon my mouth."

Similarly Hamlet, as he succumbs to death, says:

"The rest is silence."

No more questionings or doubts; only submission, for the evidence of an overruling Providence had made him believe that there is a "divinity that shapes our ends, roughhew them as we may." Shakespeare himself, who, because he dealt with that great stage—the world—yet rarely speaks of any hereafter for his characters, yet says of Hamlet:

"Good night, sweet prince;  
And flights of angels sing thee to thy rest!"

There is a lesson for our times in the common theme of the book of Job and the tragedy of Hamlet. The world is in a state of unparalleled wreckage. What will be the effect upon this and future generations of man? I am hopeful that the result may mean a new reformation of the world. The great German, who alone could be compared with Shakespeare, Goethe, said:

"He who has not eaten his bread with tears,  
He knows you not, you heavenly powers."

Individuals and nations become soft and flabby with prosperity, but can gain in moral strength by adversity. The ages which have suffered most have been the ages of believers. If the effect of present suffering were only to revive in the hearts of men, soddened with material prosperity, the spirit of compassion toward men, it would mean moral reformation.

In this connection, I cannot forbear, before concluding, by referring to one of the noblest passages in Shakespeare, which has an especial application to our duties in these critical days.

When the aged Lear is driven from his daughter's house in a storm of elemental fury, he, like Job and Hamlet, upbraided the Almighty for permitting such sorrow to come to one who was "more sinned against than sinning"; and then, as the rain

drenches the aged Lear to the very skin, it suddenly occurs to him how little, in the days of his prosperity, he had ever thought of the sufferings of others, and he gives utterance to the following self-reproachful words:

"Poor naked wretches, whereso'er you are,  
That bide the pelting of this pitiless storm,  
How shall your houseless heads, and unfed sides,  
Your loop'd and window'd raggedness, defend you  
From seasons such as these? O! I have ta'en  
Too little care of this! Take physic, pomp;  
Expose thyself to feel what wretches feel,  
And thou may'st shake the superflux to them,  
And show the heavens more just."

In this there is great truth—that the unfortunates of the earth may too often get their impression of the justice of Heaven from the treatment they get from their fellow men, who have what Lear called the "superflux", or, in other words, the superfluity of material possessions.

I have given you a very slight idea of the sublime morality that can be found in Shakespeare's verse to those who look for it. Shakespeare's mighty soul, the most comprehensive ever given to any of the children of men, saw life as a whole, in all its good and in all its evil; but the great fact remains, which we can gratefully recall on this anniversary of his birth and death, that, next to the Bible itself, no writer of our mother tongue has ever so profoundly quickened the imagination and developed the souls of men as William Shakespeare. As the vicar of the lovely little church on the Avon, in which lie all that is mortal of the great poet, once said on the annual memorial service in that church:

"Wherever men do congregate or wherever they muse in solitude there abides this great cause of thankfulness to Almighty God: that the greatest name in our literature should be also our wisest and profoundest teacher."

FRATERNAL ORDER OF EAGLES SUBMITS TO PRESIDENT ROOSEVELT ITS PLAN TO STABILIZE EMPLOYMENT AND WARD OFF DEPRESSIONS—PROPOSED AS A FEATURE OF THE REORGANIZED PLAN OF GOVERNMENT

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LUDLOW. Mr. Speaker, on behalf of 600,000 members of the Fraternal Order of Eagles and 100,000 members of the Eagles' Auxiliary, I have presented to President Roosevelt today a memorandum setting forth the Eagles' plan of economic stabilization through a proposed economic planning board, and have requested the President to consider the wisdom of adopting it in principle and including it as a part of the set-up of the governmental reorganization which the President is authorized to make under the broad powers voted to him by the Congress. With the courteous permission granted to me by the House I will utilize the opportunity to bring this important proposal to the attention of the Congress and the country.

The Eagles' memorandum, prepared by Past Grand Worthy President Frank E. Hering and endorsed by all of the national leaders of the order, outlines for consideration of the President "a program to prevent severe depressions through far-sighted national planning."

A covering letter of my own accompanying the memorandum is as follows:

DEAR MR. PRESIDENT: This is to ask your attention to the plan of the Fraternal Order of Eagles to stabilize employment and prevent depressions.

As a member and representative of that order, I have been requested to urge you to consider the advisability of welding into the reorganized Government of the United States a mechanism which will embody the principle of a commission or board to stabilize industry, commerce, and agriculture, for which the Fraternal Order of Eagles has long contended. By request of the order, I introduced the bill in the Seventy-first, Seventy-second, and Seventy-third Congresses. In the Seventy-second Congress it was reported favorably without a dissenting vote from Subcommittee No. 3 of the House Committee on the Judiciary. In the present extra session no opportunity has been afforded either in committee or in the House to consider the measure, but there are strong and convincing evidences that it is growing rapidly in favor.

The proposal is simply that there shall be created some sort of governmental mechanism, whether it be known as board, commission, or by some other name, composed of qualified experts, who will study both foreign and domestic trends, keep constantly abreast of changing economic conditions, and report to Congress from time to time recommendations for legislation that will keep business and employment on an even keel and ward off the awful cycles of depression such as the one from which the country has so long suffered and from which, happily, through your leadership, we now appear to be emerging.



We who speak for this plan do not really consider that it is necessary to go through the long and tedious process of legislation to effectuate the purpose which this great fraternal order has in mind, as the Congress has wisely clothed you with plenary authority to reorganize the Government. Rather, Mr. President, we are hopefully and prayerfully looking to you to approve the suggestion and by Executive action to provide somewhere in the set-up of the reorganized Government such mechanism as we have in mind, the personnel to be composed of the best and most qualified experts in the Government service, who will undertake to examine and analyze economic trends, to procure, correlate, and present to Congress in systematized form information gathered from every possible source that will have a bearing toward the stabilization of industry, agriculture, commerce, and employment, and which we believe will enable Congress knowingly and advisedly to enact legislation that will tend largely, if not entirely, to prevent such industrial collapses and spreads of unemployment as the one through which we have been passing.

In presenting this matter to you I am authorized to speak for the 600,000 members of the Fraternal Order of Eagles and the 100,000 women who compose the Eagles' Auxilliary. This is the fraternal order that is closest to the poor man, the order that has to its credit a great record of humanitarian achievement along lines of social welfare, such as old-age pensions, mothers' pensions, and workmen's compensation statutes. But you, sir, are a member of the order, so I need not here dwell elaborately on its humanitarian activities. Suffice it to say that in all of its urge to serve humanity the Fraternal Order of Eagles has never been more wholeheartedly consecrated to an idea than it is now consecrated to this plan to make unemployment debacles impossible in the future, thus rendering a real service to the millions who are always tragic sufferers in periods of hard times and unemployment. This, the order believes, is not a chimerical dream but a possibility which can be accomplished by creating such a governmental mechanism as a stabilization of employment board or commission with well-defined duties.

My mission today, Mr. President, is to deliver to you in person a memorandum prepared by Past Grand Worthy President Frank E. Hering and addressed to you which explains with clarity, precision, and, I think, very impressively what is sought to be accomplished by the creation of a stabilization of employment board or commission. Duplicate copies of this memorandum are going forward to the Secretary of Labor, Secretary of Commerce, Secretary of Agriculture, Secretary of the Interior, and Secretary of State, because the sponsors of the movement believe that the departments presided over by those officials would be most greatly affected.

I take pleasure in presenting this memorandum to you, and I thank you in advance for the careful consideration I know you will give to it.

Very sincerely yours,

LOUIS LUDLOW.

The memorandum prepared by Mr. Hering, who first proposed a stabilization of employment plan in 1930 and secured its sponsorship by the National Order of Eagles in that year, outlines a program to prevent severe depressions through far-sighted national planning. Mr. Hering is a distinguished economist and a former professor of Notre Dame University. The program purposes:

1. To stabilize employment, so that workers may obtain a steady wage.
2. To hold business on an even keel, so that the investor may obtain a reasonable dividend.

As a means to those ends we suggest this simple plan: That the President appoint a board continuously to study conditions in industry, agriculture, and commerce that threaten to throw men out of work and thus to bring on business depression. This board would act, in short, as an economic weather bureau to warn of approaching storms. It would do even more. It would formulate and recommend plans for dissipating them.

#### THE BOARD'S PLACE IN THE GOVERNMENTAL STRUCTURE

It is suggested that the board be established not as an independent body but as a part of the existing governmental structure. Without additional legislation, the board could be made a part of the Government reorganization program now being mapped by the President. Under the plenary power Congress has given him to effect such reorganization, he has the authority to appoint such a board.

#### MEMBERSHIP OF THE BOARD

Members of the board would include trained economists, chosen for their knowledge of the problems of industry, agriculture, and commerce, not only as they affect a particular group but as they affect all groups in relation to each other.

The nucleus of the board might be drawn from the following departments whose functions pertain so largely to the economic welfare of the Nation:

1. The Department of State, because its representatives in foreign lands are able to secure—from a world-wide field—information of value in planning America's industrial, agricultural, and commercial life, and in arranging reciprocal tariffs.
2. The Department of the Interior, because it is concerned with the preservation of our natural resources, such as coal, iron, copper, oil, etc.

3. The Department of Agriculture, because its duty is to safeguard the welfare of the farmer, upon which the Nation's prosperity so largely depends.

4. The Department of Commerce, because to this Department comes valuable information relative to the state of foreign and domestic trade.

5. The Department of Labor, because the Secretary of Labor "is charged with the duty of fostering, promoting, and developing the welfare of the wage earners of the United States, improving their working conditions, and advancing their opportunities for profitable employment."

There would need to be no expensive secretariat. The board would call upon the various departments of the Government for the use of experienced economists and statisticians whose work brings them into intimate contact with the problems with which the proposed board would deal.

#### POWERS AND DUTIES OF THE BOARD

The board would be empowered to—

1. Make surveys, studies, and investigations of all problems relating to the stabilization of employment in industry, agriculture, and commerce because a steadily working population is the basis of prosperity.

2. Formulate such plans and recommend such legislation as will keep production and consumption in balance, and hence enable employees to obtain a steady wage and investors a reasonable dividend.

It will be noted that the board would act in the twofold capacity of investigator and advisor.

True, many governmental and nongovernmental groups already make surveys, studies, and investigations. The board would not duplicate such work. It would make surveys only in fields not already covered.

But information in the hands of existing fact-finding bodies, although intrinsically valuable, has been of little use to those who have needed it most because it has not been properly assembled, analyzed, and distributed. No group exists to act as a clearing house for the information collected. No group exists to correlate and interpret the facts so that our business, industry, labor, and commerce may intelligently meet influences developing throughout the Nation and the world.

The proposed board would first of all, then, act as a clearing house. It would see that new trends and changes revealed by surveys in one industry were reported to related industries that would be affected. It would eliminate investigations that wastefully overlap, as many now do. It would piece together isolated facts and draw up for the guidance of industry, agriculture, and commerce a true and constantly revised picture of economic trends.

The distinguished Subcommittee of the House Judiciary Committee of the Seventy-second Congress when recommending, without a dissenting vote, that this plan be enacted into law, stated in a very illuminating report submitted by its chairman, Hon. Tom McKeown, of Oklahoma:

"Had such a committee been in existence to anticipate, prior to 1929 and subsequently, economic changes as they have influenced industry, agriculture, and commerce, the grave conditions of certain industries would not now obtain, and in many instances economic tragedies would have been avoided."

For example:

Statistics gathered at some expense show that real wages were going down during the period from 1922 to 1929, whereas it was generally believed they were going up. The truth should have been made known; it was of vital importance to manufacturers and producers in every field. Other investigations, studies, and reports showed that copper from the vast Katanga surface mines in Africa was being laid down in this country for less than the cost of producing American copper; that United States markets had dried up in the Central and South American countries raising coffee and sugar, because of overproduction; that improvements in machines and other mass-production methods were driving men out of industries faster than they were being reabsorbed in others; that the World War had caused a cataclysm in international monetary relations; that wasteful competition was ruining the oil industry; that mass production in agriculture, burdensome farm debts, and foreign competition were combining to cut off the purchasing power of the farmer; that taxes were absorbing so much of income that private enterprise could not continue to prosper; that production was increasing without a corresponding increase in consumption.

Had there been in existence a board of trained observers such as is now respectfully proposed, these facts and others equally important would have been read as a warning that trouble was brewing for the oil industry, the copper industry, the farmer, and eventually the whole Nation.

Industry, agriculture, and commerce, if forewarned, could act to help themselves to a great extent. The board could make helpful suggestions. Certain problems, however, would demand Federal cooperation. But individuals and industries are at present powerless to act to obtain assistance promptly.

It is here that the proposed board would perform its second great service.

#### THE BOARD AND CONGRESS

From its study of conditions, the board would formulate plans and recommend to the President and Congress such legislation as would minimize the adverse influences at work. The necessity for some unit in our national life that will guard us



from our own folly is apparent when we look back over events of the past few years. Our national experience has proved:

1. That information in the possession of the State, the Treasury, and the Commerce Departments did not prevent the sale of foreign bonds which have since defaulted, with great loss to American investors.

2. That knowledge of agricultural conditions (crop forecasts, declining farm values, etc.) did not protect farmers, investors, and bankers in farming regions from losses.

3. That plant capacity was increased, without justification, in anticipation of future sales.

4. That in spite of growing technological unemployment, almost no effort was made to divert surplus workers to other industries.

5. That the relation between the decline in residential building and the purchase of luxuries and semiluxuries on the deferred-payment plan was not realized.

6. That three surveys of the coal industry have resulted in little if any benefit to operators or miners, because no agency existed to effect reforms as a result of the findings.

7. That information collected by the Bureau of Mines and by the United States Tariff Commission was assembled too late to save the copper interests and miners from economic disaster.

8. That the Federal Oil Conservation Board has not been even mildly successful in solving the problems of the petroleum industry, because of lack of authority or because of constitutional inhibitions.

Many of the problems just enumerated were not intelligently met, because, in many instances, they were not recognized as grave problems in time, but more often because they did not come within the scope of any governmental commission or department authorized to act. The proposed board would insist that we take action to avert economic disaster.

It would establish a mutually beneficial relation between business and government. Industry, agriculture, and commerce would have prompt protection. The Congress would have the benefit of the carefully considered opinions of experts who see our economic problems as a related whole. If the board functions within the spirit of the plan here presented this country should never again be plunged into such misery as has prevailed for nearly 4 years.

History: The plan presented in the foregoing memorandum was first presented to Congress in December 1930 as H. R. 13567. The bill was introduced by myself at the request of the Fraternal Order of Eagles, which prepared the measure. The House Judiciary Committee held a hearing on it. I reintroduced the bill in the Seventy-second Congress. The House Judiciary Committee again held a hearing, and subcommittee no. 3, to which the bill was assigned for study, recommended without a dissenting vote that it be passed. I again reintroduced the bill on March 9, 1933.

Since then Congress has vested the President of the United States with full authority to reorganize the Government. Therefore it now becomes possible for an economic planning board, as here outlined, to be created without further legislation.

#### TO RELIEVE ECONOMIC EMERGENCY BY INCREASING AGRICULTURAL PURCHASING POWER

Mr. JONES. Mr. Speaker, I call up the conference report on the bill (H. R. 3835) to relieve the existing national economic emergency by increasing agricultural purchasing power.

The Clerk read the conference report.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate (nos. 1 to 84, inclusive) to the bill (H. R. 3835) to relieve the existing national economic emergency by increasing agricultural purchasing power, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 27, 32, 42, 46, and 63.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 18, 19, 20, 21, 22, 23, 26, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 47, 48, 50, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 74, 75, 76, 77, 78, 79, 80, 81, and 82, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert "base period. The base period in the case of all agricultural commodities except tobacco shall be the pre-war period, August 1909-July 1914. In the case of tobacco, the base period shall be the postwar period, August 1919-July 1929"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: On page 5, line 16, of the Senate engrossed amendments, strike out "act" and insert "title"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert:

"Under regulations of the Secretary of Agriculture requiring adequate facilities for the storage of any non-perishable agricultural commodity on the farm, inspection and measurement of any such commodity so stored, and the locking and sealing thereof, and such other regulations as may be prescribed by the Secretary of Agriculture for the protection of such commodity and for the marketing thereof, a reasonable percentage of any benefit payment may be advanced on any such commodity so stored. In any such case, such deduction may be made from the amount of the benefit payment as the Secretary of Agriculture determines will reasonably compensate for the cost of inspection and sealing, but no deduction may be made for interest."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert:

"The making of any such agreement shall not be held to be in violation of any of the antitrust laws of the United States; and any such agreement shall be deemed to be lawful: *Provided*, That no such agreement shall remain in force after the termination of this act."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(5) No person engaged in the storage in a public warehouse of any basic agricultural commodity in the current of interstate or foreign commerce, shall deliver any such commodity upon which a warehouse receipt has been issued and is outstanding, without prior surrender and cancellation of such warehouse receipt. Any person violating any of the provisions of this subsection shall, upon conviction, be punished by a fine of not more than \$5,000, or by imprisonment for not more than 2 years, or both. The Secretary of Agriculture may revoke any license issued under subsection (3) of this section, if he finds, after due notice and opportunity for hearing, that the licensee has violated the provisions of this subsection."

And the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: Beginning with line 3 on page 8 of the Senate engrossed amendments strike out through line 13 on page 9 and insert in lieu thereof the following:

"SEC. 9. (a) To obtain revenue for extraordinary expenses incurred by reason of the national economic emergency, there shall be levied processing taxes as hereinafter provided. When the Secretary of Agriculture determines that rental or benefit payments are to be made with respect to any basic agricultural commodity, he shall proclaim such determination, and a processing tax shall be in effect with respect to such commodity from the beginning of the marketing year therefor next following the date of such proclamation. The processing tax shall be levied, assessed, and collected upon the first domestic processing of the commodity, whether of domestic production or imported, and shall be paid by the processor. The rate of tax shall conform to

the requirements of subsection (b). Such rate shall be determined by the Secretary of Agriculture as of the date the tax first takes effect, and the rate so determined shall, at such intervals as the Secretary finds necessary to effectuate the declared policy, be adjusted by him to conform to such requirements. The processing tax shall terminate at the end of the marketing year current at the time the Secretary proclaims that rental or benefit payments are to be discontinued with respect to such commodity. The marketing year for each commodity shall be ascertained and prescribed by regulations of the Secretary of Agriculture: *Provided*, That upon any article upon which a manufacturers' sales tax is levied under the authority of the Revenue Act of 1932 and which manufacturers' sales tax is computed on the basis of weight, such manufacturers' sales tax shall be computed on the basis of the weight of said finished article less the weight of the processed cotton contained therein on which a processing tax has been paid."

And the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with amendments as follows: On page 15, line 3, of the Senate engrossed amendments, strike out "sums" and insert "sum", and in line 21 strike out "(d)" and insert "(c)"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) No tax shall be required to be paid on the processing of any commodity by or for the producer thereof for consumption by his own family, employees, or household; and the Secretary of Agriculture is authorized, by regulations, to exempt from the payment of the processing tax the processing of commodities by or for the producer thereof for sale by him where, in the judgment of the Secretary, the imposition of a processing tax with respect thereto is unnecessary to effectuate the declared policy."

And the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: On page 18, line 20, of the Senate engrossed amendments, after "delivery", insert "on or"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with amendments as follows:

On page 24, line 18, of the Senate engrossed amendments, before the word "value", insert "normal."

On page 29, between lines 10 and 11 of the Senate engrossed amendments, insert the following new paragraph:

"The rate of interest on such direct loans made at any time by any Federal land bank shall be one half of 1 percent per annum in excess of the rate of interest charged to borrowers on mortgage loans made at such time by the bank through national farm-loan associations."

On page 29, line 22, of the Senate engrossed amendments, strike out "shall" and insert "may."

On page 34, line 6, of the Senate engrossed amendments, before "value", insert "normal."

On page 35 of the Senate engrossed amendments, beginning with line 13, strike out all through line 9, page 36.

On page 36 of the Senate engrossed amendments, strike out lines 12 to 19, both inclusive, and insert in lieu thereof the following:

"Sec. 31. (a) Out of the funds made available to him under section 30, the Farm Loan Commissioner is authorized to make loans, in an aggregate amount not exceeding \$25,000,000, at a rate of interest."

On page 39, line 6, of the Senate engrossed amendments, before "value", insert "normal."

On page 39, line 16, of the Senate engrossed amendments, after "years", insert "or, in the case of a first or second

mortgage secured wholly by real property and made for the purpose of reducing and refinancing an existing mortgage within an agreed period no greater than that for which loans may be made under the Federal Farm Loan Act, as amended."

On page 39, line 19, of the Senate engrossed amendments, before the period, insert "if the borrower shall not be in default with respect to any other condition or covenant of his mortgage."

On page 41, line 7, of the Senate engrossed amendments, strike out "\$8,500" and insert "\$10,000."

On page 42, line 8, of the Senate engrossed amendments, strike out "(1)."

On page 42 of the Senate engrossed amendments, beginning with the word "including", in line 10, strike out through the word "project", in line 24, and insert in lieu thereof the following: "and to political subdivisions of States, which, prior to the date of enactment of this act, have completed projects devoted chiefly to the improvement of lands for agricultural purposes."

On page 45 of the Senate engrossed amendments, beginning with line 1, strike out all through the period in line 9 and insert "Sec. 37."

On page 46, line 9, of the Senate engrossed amendments, strike out "\$325,000,000" and insert "\$300,000,000."

On page 47, line 12, of the Senate engrossed amendments, strike out "\$8,500" and insert "\$10,000."

On page 47 of the Senate engrossed amendments, beginning with line 13, strike out all through line 20, page 48.

On page 49, line 2, of the Senate engrossed amendments, strike out "shall" and insert "may."

On page 46, lines 3, 12, and 24, of the Senate engrossed amendments, strike out "37", "38", and "39" and insert "38", "39", and "40", respectively.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

The committee of conference have not agreed on amendment numbered 83.

MARVIN JONES,  
JOHN D. CLARKE,  
CLIFFORD R. HOPE,  
WALL DOXEY,  
H. P. FULMER,

*Managers on the part of the House.*

E. D. SMITH,  
CHAS. L. McNARY,  
DUNCAN U. FLETCHER,  
ELMER THOMAS,  
ROBERT F. WAGNER,  
F. C. WALCOTT,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate (nos. 1 to 84, inclusive) to the bill (H.R. 3835) to relieve the existing national economic emergency by increasing agricultural purchasing power submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The following amendments make clerical changes necessary by reason of the inclusion of new titles in the bill, and the House recedes: 1, 2, 4, 12, 23, 26, 29, 31, 33, 35, 37, 39, 40, 43, 47, 48, 50, 51, 52, 53, 55, 56, 64, 65, 69, 70, 71, 72, 74, 75, 76, 77, 79, and 80.

On amendment no. 3: The House bill fixed the pre-war period, August 1909–July 1914, as the base period for all agricultural commodities. The Senate amendment provides that in the case of tobacco and milk and its products the base period shall be the post-war period, September 1919–August 1928. The conference agreement provides that the base



period in the case of milk and its products shall be the pre-war period and, in the case of tobacco, the post-war period, August 1919–July 1929.

On amendment no. 5: The House bill directs the Farm Board and all departments and agencies of the Government to sell all cotton owned by them to the Secretary of Agriculture at such price as may be agreed upon. The Senate amendment contains the same requirement except that cotton owned by the Federal intermediate credit banks is not required to be so sold and the price paid shall not be in excess of the market price.

Both the House bill and the Senate amendment require that the Government agencies to which the section applies shall take such action and make such settlements as may be necessary for them to acquire full legal title to cotton on which money has been loaned or advanced or which is held as collateral for loans or advances. The Senate amendment includes futures contracts for cotton as well as cotton on which money has been loaned or advanced. Both the House bill and the Senate amendment require the cotton to be sold to the Secretary of Agriculture.

Under the House bill the settlements of loans or advances are to be made on such terms as, in the judgment of the Secretary of Agriculture and the department or agency involved, may be deemed advisable. Under the Senate amendment the terms of the settlements are provided for therein in the case of cotton taken over by departments or agencies other than the Secretary of Agriculture. Such cotton is to be taken over at a price equal to the amount of the loan or advance outstanding against it, including loans or advances senior to the Government loan, plus such amount as is required to adjust advances by the borrower to the growers to 90 percent of the value of their cotton on the date of delivery of the cotton as collateral. The sums required to adjust advances to growers are to be computed by subtracting the total amount advanced to growers on account of pools of which the cotton was a part from 90 percent of the value, at the time of delivery as collateral, of the cotton to be taken over, plus charges and operating costs and less existing assets of the borrower derived from net income, earnings, or profits from such cotton or operations to which such cotton is related. The department or agency making the settlement is to determine the amounts specified.

The House bill did not specifically provide for the case of cotton held by the Secretary of Agriculture as collateral for loans or advances by him. Under the Senate amendment the Secretary is to make settlements on such terms as he deems advisable, and he is authorized to indemnify or furnish bonds to warehousemen for lost warehouse receipts and to pay the premiums on the bonds.

Both the House bill and the Senate amendment authorize the purchase by the Secretary of Agriculture of the cotton from the other departments or agencies. The House recedes.

On amendment no. 6: The House bill authorized and directed the Reconstruction Finance Corporation to advance money and make loans to the Secretary of Agriculture to acquire cotton under the cotton-option plan and to pay the carrying costs thereon, with warehouse receipts as collateral security. The Senate amendment provides for such advances and loans and includes in addition loans and advances for the purpose of paying classing and merchandising costs, and provides that where it is impossible or impracticable for the Secretary of Agriculture to deliver warehouse receipts as collateral security the Corporation may accept such other security as it may consider acceptable, including assignments of the equity and interest of the Secretary in warehouse receipts pledged to secure other indebtedness. The Senate amendment also increases the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and have outstanding by an amount sufficient to carry out these provisions. The House recedes.

On amendment no. 7: This amendment is a clarifying amendment; and the House recedes.

On amendment no. 8: The House bill authorized the Secretary of Agriculture, under the cotton-option plan, to sell to the producer, an amount of cotton equivalent to the amount of reduction in cotton production. The Senate amendment authorizes the sale in such cases of an amount to be agreed upon not in excess of the amount of such reduction. The House recedes.

On amendments nos. 9 and 10: These amendments authorize the Secretary of Agriculture to enter into option contracts with respect to cotton not disposed of by him, conditioned upon reduction of production in 1934, and permit the producer to exercise the option up to January 1, 1935, and change the date by which the Secretary must have disposed of cotton acquired by him from March 1, 1935, to March 1, 1936. The House recedes.

On amendment no. 11: This amendment strikes out the provision of the House bill which authorized the Secretary of Agriculture to sell unlimited amounts of cotton at any time that a price of not less than 10 cents, basis middling, can be obtained at the ports. The amendment also inserts a provision authorizing the Secretary to enter into additional option contracts for so much of the cotton as is not necessary to comply with the cotton option plan in combination with the utilization of the commodity benefit plan provided for in part 2 of the title. The House recedes with a clerical amendment.

On amendment no. 13: The House bill provided for rental or benefit payments to be made only in connection with reductions in acreage or reductions in production for market or both. The Senate amendment provides that rental or benefit payments may also be made irrespective of any reduction in acreage or reduction in production, provided the rental or benefit payments are limited to that portion of the production of the commodity that is required for domestic consumption. The House recedes.

On amendment no. 14: This amendment authorizes the Secretary of Agriculture to advance a reasonable percentage of any benefit payment on grains stored on the farm. In any such case he is authorized to make a deduction from the benefit payment of not more than one half cent per bushel for inspection and sealing, but no deduction is to be made for interest. The conference agreement applies the provisions to any nonperishable agricultural commodity and authorizes the Secretary of Agriculture to determine the amount of a reasonable deduction from benefit payments to be made to compensate for the cost of inspection and sealing.

On amendments nos. 15, 19, and 22: These amendments are clarifying amendments. The House recedes.

On amendment no. 16: Under the House bill the Secretary of Agriculture is authorized to enter into marketing agreements with respect to any agricultural commodity or products thereof. The Senate amendment limits the application of the agreements to basic agricultural commodities and products thereof. The Senate recedes.

On amendment no. 17: The Senate amendment specifically provides that any legal marketing agreement provided for in the subsection shall not be held in violation of the antitrust laws, and further provides that the agreements shall not remain in force after the termination of the act. The conference agreement provides that the making of the marketing agreements shall not be held to be in violation of any of the antitrust laws of the United States, and any such agreement shall be deemed to be lawful, and retains the provision in the Senate amendment that no such agreement shall remain in force after the termination of the act.

On amendment no. 18: Under the House bill loans by the Reconstruction Finance Corporation to parties entering into marketing agreements were to bear interest at a rate not in excess of 3 percent per annum. This amendment strikes out the language with respect to rate of interest, leaving the rate in such cases to be fixed in accordance with the Reconstruction Finance Corporation Act. The House recedes.

On amendment no. 20: Under the House bill the Secretary of Agriculture was authorized to issue licenses permitting



the handling in interstate or foreign commerce of any basic agricultural commodity or product thereof or any competing agricultural commodity or product thereof. The Senate amendment permits licenses to be issued with respect to any competing commodity or product thereof whether or not an agricultural commodity. The House recedes.

On amendment no. 21: This amendment makes any order of the Secretary of Agriculture suspending or revoking any license issued under the subsection final if the order is in accordance with law. The House recedes.

On amendment no. 24: This amendment makes it unlawful for any person to remove a basic agricultural commodity upon which a storage certificate is outstanding from a warehouse unless the commodity is moved for continued storage and a warehouse certificate is issued by a public warehouseman guaranteeing redelivery of a like grade, dockage, quality, and quantity. In addition to the criminal penalty, the provision authorizes the Secretary of Agriculture to revoke any license of the violator which has been issued to him under subsection (3) for violation of the provisions of the subsection. The provision as agreed to in conference prohibits any person engaged in the storage in a public warehouse of any basic agricultural commodity in the current of interstate or foreign commerce from delivering such commodity upon which a warehouse receipt has been issued or is outstanding without prior surrender and cancellation of the warehouse receipt, and retains the penalties provided in the Senate amendment.

On amendment no. 25: The House bill provided that the processing tax should be levied for the purpose of raising revenue for extraordinary expenditures incurred by reason of the national economic emergency. The purpose of the tax, as stated in the Senate amendment, is to obtain revenue for extraordinary expenses incurred under the agricultural adjustment provisions of the bill. The conference agreement adopts the substance of the House provision.

Under the House bill, whenever rental or benefit payments are made in connection with reductions in acreage or in production of a commodity for market during any marketing period (as determined by the Secretary), the processing tax would be levied during that period. The Senate amendment omits reference to such reductions, in order to conform with amendment no. 13, which authorizes rental or benefit payments, under certain circumstances, irrespective of reduction in acreage or in production. Under the Senate amendment, when the Secretary proclaims that rental or benefit payments are to be made with respect to a commodity, the tax takes effect with respect to the commodity at the beginning of the next marketing year (as determined by the Secretary) after the date of the proclamation, and terminates at the end of the marketing year in which the Secretary proclaims that such rental or benefit payments are to be discontinued.

Both the House bill and the Senate amendment provide that the processing tax shall be at such rate as equals the difference between the current average farm price for the commodity and the fair exchange value thereof, this maximum rate being subject to reduction under specified circumstances. In the House bill the maximum rate shall be reduced if the Secretary finds that the imposition of the processing tax at that rate has resulted or is likely to result in a substantial reduction in quantity of the commodity or products thereof domestically consumed. In making such finding the Secretary is required to give due consideration to certain specified factors among others. Under the Senate amendment the Secretary of Agriculture is required to fix the tax at a rate lower than the maximum if he finds that the tax at such maximum rate will cause such reduction in domestic consumption of the commodity as to result in the accumulation of surplus stocks of the commodity or products thereof or in the depression of the farm price of the commodity. Such lower rate shall be such as will prevent such accumulation of surplus stocks and depression of the farm price of the commodity. The factors specified in the House bill as guides to the Secretary in fixing the lower rate are omitted from the Senate amendment. The lan-

guage of the Senate amendment also makes it clear that the Secretary may fix the tax at a rate lower than the maximum upon the requisite finding at any time, whether or not a tax at the maximum rate has previously been in effect. The conference agreement adopts the Senate provision.

Under the Senate amendment, the processing tax on cotton would be collected at the time that the processed goods are invoiced for sale by the processor, rather than at the time of processing. The conference agreement omits this provision.

The Senate amendment also provides that in computing any manufacturers' excise tax imposed by the Revenue Act of 1932 and based on weight, the weight of any processed cotton contained in the article shall first be deducted. The conference agreement makes it clear that this provision is to apply only in cases in which the processing tax has actually been collected and not refunded.

Under the Senate amendment it is provided that premiums paid for protein content of wheat shall not be taken into account in computing the current average farm price for the purpose of calculating the rate of the processing tax. The conference agreement retains this provision.

The Senate amendment defines the term "processing", with respect to various commodities, for the purposes of the provisions of part 2 of title I (commodity benefits). The House bill authorized the Secretary of the Treasury to define this term with respect to any commodity. The conference agreement adopts the Senate provision. See amendment no. 36.

The Senate amendment provides that when a processing tax takes effect, or is increased or decreased, the Secretary of Agriculture, in order to prevent pyramiding and profiteering, shall make public such information as he deems necessary on certain subjects relating to prices to consumers of the commodity taxed and prices paid to producers thereof. The conference agreement adopts the Senate provision.

On amendment no. 27: This amendment reduces the \$10,000 maximum fixed in the House bill which could be paid to any officer, employee, or expert under the Agricultural Adjustment Administration to \$8,500 per annum. The Senate recedes. The effect of the provision as agreed to in conference is that the maximum salary is \$10,000, which will be subject to the applicable reduction under the existing economy law, so that, applying the reduction at present in effect under the economy law, the maximum salary is \$8,500.

On amendment no. 28: This amendment strikes out the word "emergency" in the title given to the division of the Department of Agriculture vested with the administration of the functions under the title. The House recedes.

On amendment no. 30: This amendment makes inapplicable the provisions contained in the act "To maintain the credit of the United States Government" which require parts of appropriations to be impounded on account of reductions in compensation. The House recedes.

On amendment no. 32: The House bill permitted the Secretary of Agriculture to permit cooperative associations of producers to act as agents of their members and patrons in connection with the distribution of rental and benefit payments. The Senate amendment extends this authority to processors as well as associations of producers. The Senate recedes.

On amendments nos. 34 and 36: Under the House bill the Secretary of the Treasury was given the authority to establish conversion factors for any commodity or article processed therefrom, to determine the amount of the tax imposed, and was authorized to define "processing." Senate amendment no. 36 strikes out this provision. Amendment no. 34 gives the Secretary of Agriculture the authority, with the approval of the President, to establish conversion factors for any commodity or article processed therefrom, to determine the amount of tax imposed and the refunds to be made, and omits the provision authorizing defining of "processing." Under Senate amendment no. 25 processing is defined. The House recedes on amendments nos. 34 and 36.



On amendment no. 38: This amendment excludes the Canal Zone from the application of the agricultural adjustment provisions, and the House recedes.

On amendment no. 41: This amendment makes applicable in the administration of this title the provisions of sections 8, 9, and 10 of the Federal Trade Commission Act. These sections provide for the furnishing of records, papers, and information by the departments and bureaus of the Government, for requiring the attendance and testimony of witnesses and the production of documentary evidence, and for the taking of depositions. Penalties are provided for disobeying subpoenas and other requirements, for making false records, and (in the case of officers or employees administering the law) for unauthorized publication of information officially obtained.

The Senate amendment also authorizes the Secretary of Agriculture to designate officers and employees of the Department to hold hearings. Violations of any agreement are to be reported by the Secretary to the Attorney General and the Attorney General is required to cause appropriate proceedings to enforce the agreement to be conducted in courts. The House recedes.

On amendment no. 42: This amendment provides that the officers, agents, inspectors, and employees authorized under the act shall, so far as possible, be practical farmers and that their field of employment shall be limited to the congressional districts in which they reside. The Senate recedes.

On amendment no. 44: This amendment modifies the definition of basic agricultural commodity in the case of corn so that only field corn will be within such definition. The House recedes.

On amendment no. 45: This amendment eliminates from the definition of basic agricultural commodity cattle and sheep. The House recedes.

On amendment no. 46: This amendment includes sugar beets and sugarcane within the definition of basic agricultural commodity. The Senate recedes.

On amendment no. 49: The House bill appropriated the proceeds derived from taxes for rental and benefit payments and for administrative expenses under the cotton option plan and the commodity benefits provisions. The Senate amendment appropriates the proceeds of the taxes imposed and makes them available for the expansion of markets and removal of surplus agricultural products, for administrative expenses, and for rental and benefit payments under part 2 (the commodity benefits provision). The Senate amendment in addition appropriates \$100,000,000 to defray administrative expenses in connection with the agricultural adjustment program, and for the purpose of making rental and benefit payments with respect to reduction in acreage or production. The House recedes with clerical changes.

On amendment no. 54: The House bill provided that no processing tax should be required to be paid on the processing by the producer thereof on his own premises of any commodity for consumption by his own family, employees, or household, and authorized the Secretary of Agriculture to exempt from the processing tax with respect to hogs, cattle, sheep, or milk and its products in cases where the producer's sales of the products did not exceed \$100 per annum. The Senate amendment substitutes therefor a provision authorizing the Secretary of Agriculture to provide for the exemption of commodities from the tax when processed by or for the producer.

The House recedes with an amendment which exempts from the processing tax any commodity processed by or for the producer thereof for consumption by his own family, employees, or household and which authorizes the Secretary of Agriculture to exempt from the payment of the processing tax the processing of commodities by or for the producer thereof for sale by him where, in the judgment of the Secretary, the imposition of a processing tax with respect thereto is unnecessary to effectuate the declared policy of the title.

On amendments nos. 57, 58, 59, 60, 61, and 62: The House bill authorized the imposition of compensating taxes on the

processing of agricultural commodities that compete with basic agricultural commodities on which there is a processing tax and defined competing agricultural commodities. The Senate amendments authorize the imposition of a tax in such cases on the processing of any commodity, whether or not agricultural in character, which competes with a basic agricultural commodity. The House recedes.

On amendment no. 63: The House bill authorized the imposition of compensating taxes equal to the amount of processing tax upon the importation of any article processed or manufactured wholly or in chief value from the commodity with respect to which the processing tax is in effect. The Senate amendment applies to an article processed or manufactured "wholly or in substantial part" from such commodity or commodities. The Senate recedes.

On amendment no. 66: This amendment provides that the compensating taxes collected upon importation, in the case of articles coming from the possessions of the United States to which the title does not apply, shall be paid into the treasury of the possession of origin and used for the benefit of agriculture. The House recedes.

On amendments nos. 67 and 68: Under both the House bill and the Senate amendments a tax is imposed on floor stocks held for sale or other disposition on the date when a processing tax first takes effect. The House bill exempted from this tax persons engaged solely in the retail trade, but only to the extent of stocks sold or otherwise disposed of for consumption within 1 month after that date. The Senate amendment exempts retail stocks of persons engaged in retail trade, whether or not they are engaged solely in that trade, but provides that such stocks do not include stocks in warehouses. Further, the Senate amendment, like the House bill, exempts only such portion of retail stocks as are sold or otherwise disposed of within 30 days.

Both the House bill and the Senate amendments provide for the refund or abatement of taxes paid on the processing of articles which are held for sale or other disposition at the time that the tax wholly terminates. Under the House bill this refund or abatement does not apply to persons engaged solely in retail trade. Under the Senate amendment the refund or abatement does not apply to the retail stocks of persons engaged in retail trade whether or not they are engaged solely in that trade. The House recedes.

On amendment no. 73: The House bill provided that in the case of contracts made prior to the date of approval of the act for delivery of a commodity after such date the tax should, subject to certain exceptions, be paid by the vendee instead of the vendor. The Senate amendment applies a similar rule with respect to contracts made prior to the date the processing tax first takes effect with respect to the commodity, for delivery of the commodity after such date. The House recedes with an amendment which applies the rule in the Senate amendment as well when delivery takes place on the day of the effective date of the tax.

On amendment no. 78: The House bill authorized the Secretary of the Treasury to permit the postponement of the payment of taxes for a period not exceeding 60 days. The Senate amendment extends this period to 90 days. The House recedes.

On amendments nos. 81 and 82: The House bill made processors subject to taxes eligible for loans from the Reconstruction Finance Corporation in cases where the immediate payment of the taxes from the processor's own funds would impose an undue financial burden. The Senate amendment extends this privilege to distributors as well as processors of commodities subject to tax. The House recedes.

On amendment no. 83: This amendment contains the so-called "cost-of-production plan." The committee of conference have come to no agreement on this amendment.

On amendment no. 84: This amendment (secs. 21 to 42, inclusive) contains the provisions relating to agricultural credits. It is similar in many respects to H.R. 4795, which passed the House on April 13.

Section 21 authorizes the Federal land banks to issue not exceeding \$2,000,000,000 of farm-loan bonds, at a rate of interest of not more than 4 percent, which shall be guaran-



teed as to interest by the United States. The authority to issue such guaranteed bonds is to cease whenever in the judgment of the Farm Loan Commissioner farm-loan bonds of the Federal land banks not so guaranteed are readily salable in the open market at a yield not in excess of 4 percent and in any event at the expiration of 2 years.

These bonds may be used in three ways: First, to exchange for or purchase outstanding farm mortgages on the best terms possible; second, to make new loans on farm mortgages; third, after the expiration of 1 year, if the bonds are not required for the first two purposes in the judgment of the Farm Loan Commissioner, to refinance at lower interest any outstanding issues of Federal farm-loan bonds.

Any Federal land-bank borrower who obtains a loan hereafter may, after 5 years after the loan is made, tender interest-guaranteed bonds to the bank, which shall accept them at par in payment of the unpaid principal of the loan.

The conference agreement retains this section of the Senate amendment.

Section 22 authorizes the Federal land banks to buy or to exchange bonds for outstanding farm mortgages. The savings thus effected must be passed on to the farmer borrower. This is accomplished by issuing to him a new mortgage under the Farm Loan Act and by his subscribing for stock and otherwise complying with that act as in the case of other borrowers who secure land-bank loans. The price paid by a Federal land bank for any mortgage must not exceed the amount of unpaid principal of the mortgage, or 50 percent of the value of the land mortgaged plus 20 percent of the value of the permanent insured improvements, whichever is the smaller.

The conference agreement retains this section of the Senate amendment but provides that the purchase price of any such mortgage should not exceed 50 percent of the "normal" value of the land mortgaged.

Section 23 authorizes the Federal land banks for 5 years to grant extensions to farm borrowers who, after investigation, are shown to be deserving. In order to enable the Federal land banks to grant such extensions and to defer payment of principal as authorized under section 12 of the Federal Farm Loan Act, the Secretary of the Treasury is directed, upon request of the Federal land bank and with the approval of the Farm Loan Commissioner, to subscribe to the paid-in surplus of the Federal land bank an amount equal to the amount of the extensions and deferments. Fifty million dollars is authorized to be appropriated for the purpose. Repayment of these subscriptions may be made at any time by the bank with the approval of the Farm Loan Commissioner and must be made when he believes the bank has resources available for the purpose.

The conference agreement retains this section of the Senate amendment.

Section 24 reduces for a period of 5 years the interest rate on all outstanding and new loans made through national farm-loan associations or agents, or purchased from joint-stock land banks, by the Federal land banks, to 4½ percent per annum, and suspends the payment of principal during the same period in cases where the borrowers are not in default. The rate on loans made through branches is not to exceed 5 percent. In order to compensate the Federal land banks for the loss of interest incurred by reason of the reduction in interest the Secretary of the Treasury is directed to pay to each Federal land bank the amount of such loss less any savings effected through the refinancing of Federal farm-loan bonds. Fifteen million dollars is authorized to be appropriated for this purpose for the fiscal year 1934 and such additional amounts during subsequent fiscal years as may be necessary.

The conference agreement retains this section of the Senate amendment.

Section 25 raises the maximum limit of Federal land bank mortgage loans from \$25,000 to \$50,000, but in each case where a loan is in excess of \$25,000 it must be approved by the Farm Loan Commissioner. The conference agreement retains this provision of the Senate amendment.

Section 26 authorizes the Federal land banks to make direct loans on first mortgages to farmers in localities where national farm-loan associations have not been organized or in localities where, although such associations have been organized, the farmers are unable to apply for loans because of the inability of the land banks to accept applications from the associations. The borrower is required to covenant to join a farm-loan association when formed in his locality. The charges made by the banks to applicants for such direct loans are not to exceed the charges made to borrowers through national farm-loan associations.

The conference agreement provides for interest on such direct loans at a rate one half of 1 percent higher than the rate on loans made through national farm-loan associations, but the rate is to be reduced when the borrowers join an association. Joining such an association is also made permissive rather than mandatory as under the Senate amendment.

Section 27 authorizes receivers appointed under section 29 of the Federal Farm Loan Act to borrow, with the approval of the Farm Loan Commissioner, from the Reconstruction Finance Corporation on the security of receivers' certificates for the purposes of paying taxes on real estate owned by the bank or securing its mortgages. The conference agreement retains this provision.

Section 28 authorizes the Federal Reserve banks to make advances on promissory notes for a period not exceeding 15 days if such advances are secured by the deposit or pledge of interest-guaranteed bonds authorized to be issued under section 21 of this amendment. The conference agreement retains this provision.

Section 29 prohibits joint-stock land banks from issuing tax-exempt bonds and from making any farm loans except such as are incidental to the refinancing of existing loans or bond issues or to the liquidation of their real-estate holdings. The conference agreement retains this provision.

Section 30 directs the Reconstruction Finance Corporation to make \$100,000,000 available to the Farm Loan Commissioner to be used for 2 years in making loans to joint-stock land banks, at a rate of interest not exceeding 4 percent per annum, upon the security of first or purchase-money mortgages on farm property, or such other collateral as may be available to the banks. The maximum amount which may be loaned to any such bank is to be determined on the basis of the unpaid principal of its mortgages as compared with the total amount of the unpaid principal of the mortgages held by all such banks on the date of enactment of the act. Loans must not exceed 60 percent of the value of the real estate securing the collateral deposited with the Commissioner, as determined upon an appraisal made by appraisers appointed under the Federal Farm Loan Act. Loans are to be made to aid orderly liquidation in accordance with a plan submitted by the borrowing bank and approved by the Farm Loan Commissioner. The Commissioner, before he approves the plan, must be satisfied that it carries out the purposes of the section and that money borrowed which is to be devoted to settlements with bondholders will be used only in effecting an equitable settlement with all bondholders.

No loan to a joint-stock land bank may be made under such section 30 until it agrees—

1. To reduce the interest rate to all its first-mortgage borrowers to 5 percent per annum.
2. Not to proceed against the mortgagor for 2 years from the date of the enactment of the act on account of default in interest or principle, nor to foreclose its mortgage during the same period except for abandonment of the mortgaged property or unless, in the opinion of the Farm Loan Commissioner, such foreclosure is necessary for other reasons.
3. That the bank will pay in purchasing its outstanding farm-loan bonds out of the proceeds of the loan an amount not exceeding 100 percent of the amount which the holders may have paid for their bonds prior to April 17, 1933, plus interest on that amount at 5 percent from the date of purchase by the holders less any interest received by them, but



in no case more than the face value of the bonds plus accrued and unpaid interest, and that whenever any such bonds are purchased by the bank at a price less than the face value plus accrued and unpaid interest the difference between the face value and interest and the amount paid by the bank for the bonds shall be credited pro rata to the bank's borrowers in reduction of their loans, but that no such credit shall be made until the profits on the bonds so purchased by the bank are sufficient to replace the amount by which its capital has been impaired.

The conference agreement eliminates the provisions of clause 3 above and provides that loans shall not exceed 60 percent of the "normal" value of the real estate securing the collateral deposited with the Commissioner.

Section 31 provides that the Reconstruction Finance Corporation shall make available to the Farm Loan Commissioner \$25,000,000 to enable him to make loans to joint-stock land banks. Such loans are to be in addition to the loans authorized in section 29 of the amendment and in addition to loans made to such bank under the Reconstruction Finance Corporation Act. Such loans are to be made at a rate of interest not exceeding 4 percent per annum for the purpose of securing the postponement for 2 years of the foreclosure of first mortgages held by such banks on account of default in payment of interest and principal and delinquent taxes. During the period of postponement the bank is to charge the mortgagor interest at a rate not to exceed 4 percent per annum on the aggregate amount of such delinquent taxes and defaulted interest and principal.

The amount so loaned to any bank is to be made without reappraisal, but the amount loaned with respect to any mortgage on account of unpaid principal is not to exceed 5 percent of the total unpaid principal of the mortgage, and the maximum which may be loaned with respect to any mortgage shall not exceed 25 percent of the total unpaid principal.

No such loan is to be made unless the Farm Loan Commissioner is satisfied that, after exercising ordinary diligence, the mortgagor is in default and unless the bank agrees to the satisfaction of the Commissioner that during the 2-year period the bank will not foreclose its mortgage unless the mortgaged property is abandoned or such foreclosure is necessary, in the opinion of the Commissioner, for other reasons. Each such loan is to be secured by an assignment to the Commissioner of the lien of the taxes and/or the bank's mortgage, but the amount of the lien so assigned representing the unpaid principal and interest is to be subordinated to the existing lien of the bank for the balance of the indebtedness due under the terms of the bank's mortgage. The Commissioner may also require the bank to furnish additional collateral as security for any such loan if such collateral is available.

The conference agreement provides that such loans are to be made out of the funds made available to the Commissioner under section 30 of the Senate amendment, but the maximum limit of \$25,000,000 is retained.

Section 32 authorizes and directs the Reconstruction Finance Corporation to make \$200,000,000 available to the Farm Loan Commissioner to be used in making direct loans to farmers upon first or second mortgage. The maximum loan to any one farmer is to be \$5,000, and the amount of the mortgage given as security plus all prior mortgages on the same farm property must not exceed 75 percent of the value of such property. The interest is not to exceed 5 percent per annum. The principal is made repayable in 10 installments, beginning during the fourth year after the loan is made. The proceeds of these loans are to be used:

1. To enable the farmer to refinance on better terms any secured or unsecured indebtedness.
2. To provide the farmer with working capital.
3. To enable the farmer to redeem or repurchase farm property lost by him through foreclosure between July 1, 1931, and the date of enactment of the act or hereafter.

No loan is to be made under this section unless the holder of any prior lien "arranges to the satisfaction of the Farm Loan Commissioner to limit his right to proceed against the

farmer and such farm property for default in payment of principal."

The conference agreement provides that in the case of a first or second mortgage secured wholly by real estate and made for the purpose of reducing and refinancing an existing mortgage the loan may be repaid within an agreed period no greater than that for which loans may be made under the Federal Farm Loan Act. It is also provided that the "normal" value of the property is to be used in determining the maximum amount of the mortgage given as security for a loan and that the 3-year extension for the payment of principal is to apply only where the borrower is not in default with respect to any other condition or covenant of his mortgage.

Section 33 authorizes the Farm Loan Commissioner to make such rules and regulations as may be necessary; and to appoint, employ, and fix the compensation of such officers, etc., as may be necessary to carry out the purposes of the amendment, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, but with the limitation that no salary or compensation in excess of \$8,500 per annum shall be paid to any such person.

The conference agreement fixes the maximum salary limit at \$10,000, since such salaries will be subject to the reductions under existing economy laws. This corresponds to the action under amendment numbered 27.

Section 34 provides for making the facilities of the Federal land banks and the national farm-loan associations available to the Farm Loan Commissioner to aid in administering the provisions of the amendment. The conference agreement adopts the Senate provisions.

Section 35 imposes a penalty of \$1,000 fine or 6 months' imprisonment, or both, for fraud in securing a loan under section 32 of the amendment. The conference agreement adopts the Senate provisions.

Section 36 authorizes the Reconstruction Finance Corporation to make loans in an aggregate amount not exceeding \$50,000,000 to drainage, levee, levee and drainage, irrigation, and similar districts, to private corporations organized for similar purposes, and to political subdivisions of States which, prior to the date of enactment of the act, have projects substantially advanced toward completion which are devoted chiefly to the improvement of land for agricultural purposes (including, in the case of irrigation systems, dams, reservoirs, and electric-power projects used in connection with such systems). Such loans are to be made for the purpose of enabling such districts or political subdivisions to reduce and refinance their outstanding indebtedness incurred in connection with such projects, and, in the case of irrigation districts operating under contract with the United States, to aid in the payment of their operation and maintenance charges and to provide funds for installation of necessary works. The loans are to be made under the same terms and conditions as loans made under section 5 of the Reconstruction Finance Corporation Act, except that they may be made for a period not exceeding 40 years and are to be secured by refunding bonds issued to the Corporation which are secured by real property within the project, or assessments thereon, or such other collateral as may be acceptable to the Corporation. Other provisions are included requiring the borrowers from the Corporation to reduce the indebtedness to them of landowners within their projects by an amount corresponding to the reduction of the borrowers' own indebtedness by reason of the refinancing made possible under the section.

The Reconstruction Finance Corporation is also authorized to accept from such districts the pledge of their outstanding evidences of indebtedness as security for loans bearing interest at the rate of 4 percent per annum.

Upon request of the Secretary of the Interior, the Reconstruction Finance Corporation is further authorized to make available not to exceed \$5,000,000 to the Federal reclamation fund for the completion of projects under reclamation or approved and authorized. The funds so advanced are to be repaid within 5 years with interest at the rate of

4 percent per annum, out of receipts accruing to the reclamation fund.

The conference agreement eliminates the provisions relating to loans to private corporations and to irrigation districts operating under contracts with the United States to aid in the payment of their operating and maintenance charges and the installation of necessary works. The provisions relating to the inclusion of dams, reservoirs, and electric power projects in the case of irrigation systems are also eliminated and the projects of borrowers which are eligible for loans are limited to those projects which have been completed prior to the date of enactment of the act.

The provision authorizing the Reconstruction Finance Corporation to accept from such districts the pledge of their outstanding evidences of indebtedness as security for loans is also omitted under the conference agreement and the provision relating to loans to the Federal reclamation fund is made a new section.

Section 37 increases the borrowing power of the Reconstruction Finance Corporation by \$325,000,000.

The conference agreement reduces this amount to \$300,000,000, since the additional \$25,000,000 is to be taken from the funds provided for in section 30 of the Senate amendment under the conference agreement.

Section 38 provides that when any Executive order heretofore transmitted to Congress under the recent reorganization law becomes effective, the functions and powers vested in the Farm Loan Commissioner by this amendment shall be exercised by him subject to the terms of that order. The conference agreement retains this provision.

Section 39 authorizes the Governor of the Farm Credit Administration, in carrying out the powers and duties vested in him or the Farm Credit Administration under Executive orders made under the recent departmental reorganization law, to establish and fix the duties of such organizations within the Administration as are necessary. The section also prohibits the payment of compensation to persons employed under the section at a rate in excess of \$8,500 per annum.

The conference agreement retains this section of the Senate amendment, but fixes the maximum salary limit at \$10,000 for the same reason that the change was made in section 33. See also amendment no. 27.

Section 40 authorizes the President to establish a national board of conciliation charged with the administration of the section and authorizes the appointment of State boards of conciliation in each State. The State board in turn is to appoint or designate local boards. The State and local boards are given the duty of bringing about between farm mortgagors and mortgagees and other parties interested in farm mortgage indebtedness adjustments in farm indebtedness by reduction of principal and interest, by increasing the time of the loans, by providing for amortization payments, and by agreements under which payments can be made in farm products and their proceeds at prices more nearly equal the price thereof when the mortgage was executed. The conference agreement omits this section of the Senate amendment.

Section 41: This section provides that the Federal land banks and all Government agencies making loans to owners of groves and orchards shall give a reasonable and fair value to growing fruit trees constituting a substantial part of the value of the property. The conference agreement makes this provision permissive rather than mandatory.

Section 42 contains the short title of this amendment which forms title II of the bill. The conference agreement adopts the Senate provision.

The Senate amended the title of the bill to conform to new matter inserted by the Senate amendments. The House recedes.

MARVIN JONES,  
JOHN D. CLARKE,  
CLIFFORD R. HOPE,  
WALL DOXEY,  
H. P. FULMER,

*Managers on the part of the House.*

Mr. GOSS. Mr. Speaker, I make the point of order against the conference report that the conferees have exceeded their authority in several instances. I call attention to page 10 of the bill, under Senate amendment 14, which reads:

Under regulations of the Secretary of the Interior requiring adequate facilities for the storage of grain on the farm, inspection—

And so forth.

That is the amendment as it passed the Senate, and the conferees recommend in their report the following language:

Under regulations of the Secretary of Agriculture requiring adequate facilities for the storage of any nonperishable agricultural commodity on the farm.

I respectfully call the attention of the Chair to the great difference between grain on the farm and any nonperishable agricultural commodity.

Likewise, on the same page, in Senate amendment 17, the Senate amendment reads:

The making of any such legal agreement shall not be held to be a violation of any of the antitrust laws of the United States—

While in the conference report it reads:

The making of any such agreement shall not be held to be in violation of any of the antitrust laws of the United States.

In other words, the conferees have brought another amendment into their report upon which neither the House nor the Senate have passed.

I would respectfully call the Chair's attention to the precedents. Speaker Cannon once held:

It is for the House and the Senate to determine upon the wisdom of it, and, as the House and the Senate never have considered that proposition, the Chair is of opinion that the conferees exceeded their power, and therefore sustains the point of order.

Similarly, as shown in Hinds' Precedents, volume V, section 6417, Speaker Cannon again followed this ruling. When Speaker Crisp was in the chair the question arose of the germaneness of an amendment brought in by conferees. The question was whether the amendment was germane either to the original bill in the House or to the Senate amendment. He held the same way, as shown by Hinds' Precedents, volume V, section 6408. Just because items are related is no test of their germaneness.

I call attention again, therefore, to the phrase "storage of grain on the farm", which was passed upon by the Senate, but as reported by the conferees the phrase reads, "any nonperishable agricultural commodity", all-embracing as compared to the simple word "grain."

Mr. CLARKE of New York. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield.

Mr. CLARKE of New York. I do not understand the gentleman to contend that by striking out the word "legal", as suggested in the seventeenth amendment, the conferees have exceeded their authority.

Mr. GOSS. Yes. This is another matter. Yes; I may say to the gentleman, the conferees exceeded their authority there.

Mr. CLARKE of New York. How?

Mr. GOSS. Because neither House had passed upon the phraseology of this amendment.

Mr. CLARKE of New York. How have they exceeded their authority?

Mr. GOSS. Because they have changed the language of the Senate amendment. May I also call attention to the fact that there may be a vast difference between a legal agreement and simply an agreement? An agreement may be a gentleman's agreement. The conferees have taken out the word "legal."

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield.

Mr. DOWELL. Might there not be an agreement that is in complete conflict with the bill?

Mr. GOSS. There might be; absolutely.

Mr. GILCHRIST. Then it is not an agreement.



Mr. GOSS. I call attention to the fact that certain language that has been agreed upon by either the House or the Senate has been so changed by the conferees as to give it an entirely different meaning.

Mr. DOWELL. As long as it does not change the meaning it would not be subject to the point of order.

Mr. GOSS. I would say the meaning had been changed very materially when you strike out the word "legal" and leave only the word "agreement" in the bill, because there are many kinds of agreements that might not be legal.

Especially do I wish to insist upon my first point of order.

Mr. JONES. Mr. Speaker, the gentleman's first point of order is that we strike out the word "grain" and make it thus applicable to any agricultural commodities in the matter of the payment of benefits.

This same thing could be done under the general terms of the House bill. I call attention to page 9, subdivision 1 of section 8:

(1) To provide for reduction in the acreage or reduction in the production for market, or both, of any basic agricultural commodity, through agreements with producers or by other voluntary methods, and to provide for rental or benefit payments in connection therewith—

And so forth. Then later it says:

In such amounts as the Secretary deems proper and reasonable.

This would cover the same feature. This is still another method of expressing the same sort of privilege that is granted.

The Senate amendment provides for rules and regulations. Rules and regulations, generally speaking, are authorized throughout the bill. This, clearly, is but another method of expressing the same thing that is provided for in other features of the House bill. Further, the Senate amendment provides that it shall apply to the different types of grain involved in the bill, and this simply makes it applicable to all commodities as provided in section 8 of the House bill.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield.

Mr. GOSS. Does the gentleman think the language "any nonperishable agricultural commodity" is the same as the word "grain"?

Mr. JONES. Any nonperishable commodity is included in the House bill. The theory of section 8 is also included in some of the other sections of the House bill. So the amendment is simply another way of applying the same provisions provided in the general terms of the bill. Therefore I do not think there is any question that this change of the Senate amendment covers matters already in the bill.

As to the other portion of the gentleman's point of order, he complains of the conferees striking out the word "legal." I call special attention to the fact that under the terms of the House bill any agreement could be made and it would not be subject to these laws. Under the terms of the House bill, there was not any exception at all. Agreements of any character could be made; and this, being a later act, would supersede all existing law. The Senate by inserting the word "legal" limited the agreements. By striking out the word "legal" we simply restore, practically, the provisions of the House bill. Really, striking out "legal" merely removes any contradiction in the language of the Senate amendment itself, because, as the Speaker will notice, the language is "the making of any such legal agreement shall not be held to be a violation of antitrust laws of the United States." The word "legal" is surplusage and would be contradictory as used here. Of course, if it is an agreement that is authorized, it would be a legal agreement; the term "legal" is tautological and pure surplusage.

Mr. GOSS. Will the gentleman yield?

Mr. JONES. Yes.

Mr. GOSS. Does the gentleman think there is any difference between a legal agreement and simply an agreement?

Mr. JONES. If an agreement is authorized by law, it becomes a legal agreement.

The SPEAKER. May the Chair inquire whether cotton would be included among the nonperishable commodities?

Mr. JONES. Cotton would be a nonperishable commodity. The SPEAKER. Did the Senate amendment take in cotton?

Mr. JONES. No. But the House bill takes in cotton, and that is what I am calling to the attention of the Chair.

The SPEAKER. We are now discussing the Senate amendment.

Mr. JONES. The Senate amendment, as such, does not take in cotton. However, cotton is covered in the bill as it passed the House, and the Senate amendment simply takes in grain in another method of treatment or another way of accomplishing the same purpose.

The SPEAKER. May the Chair inquire what is the purpose of putting in the word "nonperishable" rather than confining it to grain?

Mr. JONES. The word "nonperishable" was put in so that the storage facilities on the farm might be used in carrying out the general terms of the bill on any nonperishable commodities as well as on wheat. The other features of the bill provide for methods of payment of benefits. The effect of the Senate amendment was to make specific the language that was couched in general terms in carrying out the other provisions of the bill. The naming of the one makes it advisable to name the others.

The Senate amendment adds no power at all. They had the same power under the terms of section 8, and this is simply a specific method of carrying it out. They thought they could avoid the expense and make it simpler by keeping grains on the farm, and then it was thought if they were going to do that, the same privilege might be extended to all nonperishable commodities contained in the bill; but even without this amendment the same purposes are included in the general terms of the bill.

Mr. SNELL. Will the gentleman yield for a question?

Mr. JONES. Yes.

Mr. SNELL. In section 8, where is there provision for storage?

Mr. JONES. It provides for reduction in acreage and it provides for rental or benefit payments in connection with the reduction of acreage or production for market, or both.

Mr. SNELL. But there is not a single thing there relative to storage.

Mr. JONES. And that is followed by rules and regulations for carrying out the purposes, which would necessarily include storage.

Mr. SNELL. And the reason the Senate amendment was put in the bill was because there was no arrangement made for storage and the Senate amendment takes in only the storage of grain.

Mr. JONES. The only reason for putting in the Senate amendment was that they might make advance payments in these rental benefits without the necessity of these commodities being carried over and storage being paid. It is not for the purpose of having storage as such. Storage is merely an incident. The purpose is to have a method by which they can make advance payments on these commodities without carrying them over into final warehousing, and so forth, which would be expensive. If this amendment were not included, the same powers could be used.

Mr. SNELL. I may admit that your purpose is all right, but there is nothing in your original bill that speaks about the storage of grain on the farm, and that is the reason the Senate amendment was put in, and now you have gone beyond that.

Mr. JONES. There is nothing specifically said about storing on the farms, and yet—

Mr. SNELL. The gentleman said that section 8 provided for it.

Mr. JONES. And yet provision is made for the payment of rental and other benefits, and general powers are given for carrying out these purposes.

Mr. SNELL. But that is not storage of grain on the farm.

Mr. JONES. And provision is made for general authority to make rules and regulations in carrying out these purposes. I think this is a detail that would probably be pro-

vided without the Senate amendment by reason of the fact that provision is made for paying rental benefits and other benefits. It seems to me they would have the authority without this language, but as you have specified one of them, under the general terms of the bill, you might exclude the others by not mentioning them. I believe if the amendment were not there, under the general terms of the bill providing for the making of rental and benefit payments and the making and promulgating of regulations for the purpose of carrying them out, the Secretary of Agriculture could provide for storage on the farms, but the Chair is familiar with the old, old rule that if you have a general provision and then you specify certain things, by that very specification, by implication, you exclude those which are not included in the specification. So the insertion of this amendment makes it necessary, for the orderly carrying out of the general terms of the bill, that the other nonperishable commodities be included. If the amendment had not been included at all, I believe the same purpose would be accomplished under the general terms of the bill.

Mr. SNELL. It is very evident the Senate did not have in mind the same interpretation of the bill that the gentleman has or they would not have put in this amendment.

Mr. JONES. They evidently wanted to make certain in their own minds or—

Mr. SNELL. That is exactly correct—they want to make it certain.

Mr. JONES. Or at least some Senator did and it was probably acted upon on the spur of the moment. I think the argument was made in opposition to it that it was not necessary and then they said, "If it will not hurt anything, why not put it in?" They apparently did not consider the fact that putting it in the bill probably operated to exclude the others. If it had been left out altogether, it would have been all right.

Mr. SNELL. But as long as it is in the bill, the conferees must confine their efforts to what is in the bill, and for that reason I am thoroughly convinced it is subject to a point of order.

Mr. JONES. I assert that it is in the general terms of the bill and that the same authority granted in this amendment is granted in the general terms of the bill, and that therefore the conferees did not go beyond the range of their jurisdiction.

Mr. GOSS. Will the gentleman yield?

Mr. JONES. I will.

Mr. GOSS. I notice on page 9, subsections 1 of section 8, the following language:

To provide for reduction in the acreage or reduction in the production for market, or both, on any basic agricultural commodity through agreements with producers or by other voluntary methods—

And so forth.

The word "basic" is specifically used and the Senate amendment 14 made a basic item when it referred to grain on the farm. The conference committee comes in and says that any nonperishable article or commodity, whether it be basic or not.

Mr. JONES. It has to be a nonperishable agricultural commodity. Agricultural commodities are defined in the bill. It must be a nonperishable basic commodity.

The SPEAKER. The Chair is ready to rule. Senate amendment 17 has reference to making legal agreements. The conference committee leaves out the word "legal" and inserts that agreements shall be deemed to be lawful. The Chair does not see any difference, and the Chair overrules the second point of order.

A more serious question arises as to the point of order made against the conference agreement on Senate amendment 14. It seems to the Chair that the striking out of the word "grain" and the substitution thereof of the words "nonperishable agricultural commodities" by the conferees broadens the scope of the Senate amendment. The Chair thinks that the conferees did not confine themselves to the matter in disagreement but attempted to incorporate new matter into Senate amendment 14. Therefore the Chair sustains the point of order against the conference report.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 48. An act to extend the time for completing the construction of a bridge across the Missouri River at or near Kansas City, Kans.;

H.R. 1596. An act to extend the times for commencing and completing the construction of a bridge across the Pee Dee River and a bridge across the Waccamaw River, both at or near Georgetown, S.C.;

H.R. 4127. An act to extend the times for commencing and completing the construction of a bridge across the Waccamaw River near Conway, S.C.; and

H.R. 4491. An act to extend the times for commencing and completing the construction of an overhead viaduct across the Mahoning River at Struthers, Mahoning County, Ohio.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4606) entitled "An act to provide for cooperation by the Federal Government with the several States and Territories and the District of Columbia in relieving the hardship and suffering caused by unemployment, and for other purposes."

#### INDEPENDENT OFFICES APPROPRIATION BILL

Mr. O'CONNOR. Mr. Speaker, I call up House Resolution 128, a privileged report from the Committee on Rules. The Clerk read as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H.R. 5389, a bill making appropriations for the Executive Office and sundry independent bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1934, and for other purposes, and all points of order against said bill or any provisions contained therein are hereby waived. That after general debate, which shall be confined to the bill and shall continue not to exceed 6 hours, to be equally divided and controlled by the gentleman from Virginia [Mr. Woodrum], and the gentleman from New York [Mr. Taber], the bill shall be read for amendment under the 5-minute rule. No amendments shall be in order to sections 4 to 17, inclusive, except amendments offered by direction of the Committee on Appropriations; and said amendments shall be in order, any rule of the House to the contrary notwithstanding. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'CONNOR. Mr. Speaker, I should like to ask the gentleman from Pennsylvania how much time is desired on that side on the rule?

Mr. RANSLEY. The usual time.

Mr. O'CONNOR. Mr. Speaker, I yield 30 minutes to the gentleman from Pennsylvania [Mr. RANSLEY].

Mr. Speaker, this is a rule making in order the consideration of the independent offices appropriation bill which is now before us by reason of the fact that it was vetoed by President Hoover during the last session of Congress.

The rule waives all points of order against the bill, grants 6 hours' general debate, provides for the reading of the bill under the 5-minute rule, with the usual amendments to those sections of the bill making appropriations, except that the rule provides that no amendment shall be in order to sections 4 to 17, inclusive, except amendments offered by the Committee on Appropriations.

The Appropriations Committee advised the Rules Committee that these sections 4 to 17 contained important matters of legislation covering the granting of authority to the President to cancel contracts under certain conditions, to order furloughs, to reduce "flying pay", and to carry out other economies. That committee stated it desired that no amendment be permissible to those sections except those amendments which might be offered by the committee.

The Rules Committee was informed that the measures had the endorsement of the administration and were desired by the administration. For that reason the Rules Committee



brought in this rule, which is a closed rule so far as those sections of the bill are concerned.

I want to say in behalf of the Rules Committee—and I think I express the sentiments of most of the Members—that it is not a pleasure to bring into the House rules which may appear to some Members to be too drastic. We only do it at the instance of the legislative committee. I assure you it is our desire to bring in as liberal rules as will meet the situation.

When this particular situation was presented to us, as it has been in other instances, we had only our duty to perform and follow out the wishes of the leadership of the House, and, so far as we could, the wishes of the administration.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. Yes.

Mr. SNELL. I am very glad that the gentleman stated that this is more drastic than the usual rule along this line.

Mr. O'CONNOR. I did not say that exactly. I admit that the rule is drastic.

Mr. SNELL. It is more so than usual. The gentleman says that this is at the request of the committee.

Mr. O'CONNOR. Yes; the Appropriations Committee.

Mr. SNELL. Did he take into consideration the 8 or 10 other committees of the House whose prerogatives are taken away from them by the bringing in of this rule?

Mr. O'CONNOR. I do not follow the gentleman's question.

Mr. SNELL. The legislation that is made in order on this appropriation bill, if it had come through the regular committees of the House, would probably come from 6 or 8 different committees.

Mr. O'CONNOR. I imagine so, but I am not familiar enough with the details to state just how many committees would be involved.

Mr. SNELL. Did the gentleman take into consideration the rights of those committees in granting the rule to give this committee the right of legislation?

Mr. O'CONNOR. I might say to the gentleman that we did not specifically take into consideration the rights of those committees, because their rights were not brought to our attention. There was, for instance, no protest from the Committee on Military Affairs or the Committee on Naval Affairs as to any of these sections dealing with legislation that might come within the jurisdiction of those committees, so far as I recall.

Mr. SNELL. Were they informed in regard to the matter?

Mr. O'CONNOR. Oh, I imagine that they have had knowledge during all this session of what was going to happen in this particular bill.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. Yes.

Mr. BUCHANAN. When these legislative propositions came to me I wrote a letter to each committee from which it would come, setting forth the legislation in detail and advised them fully of the facts. I told them that we would be very glad to confer with them or hear from them or anything else that they wanted.

Mr. SNELL. The gentleman from New York remembers very well when we set up the present Committee on Appropriations, taking the appropriating powers away from the other standing committees of the House.

Mr. O'CONNOR. I know the history of it, but I was only a little bit of a tot at that time.

Mr. SNELL. Well, I was grown up, and was a Member of the House at that time, and I know the conditions. It was definitely understood that the Committee on Appropriations was only going to make appropriations; that it was not going to absorb all of the rights of the legislative committees. Of course, occasionally we have brought in rules making in order matters of legislation when something was necessary at the time; but never in the history of this House, so far as I know, have we deliberately made 14 sections of a bill in order, all containing legislation and having to do with the rights of some 6 or 8 independent committees of the House.

Mr. O'CONNOR. I think the gentleman overlooks the fact that while they be legislation, yet they do involve the appropriation of money and the expenditure of money by the Government.

Mr. SNELL. I would expect that to be true to a certain extent, but it violates every principle and precedent of the House in all these years.

Mr. O'CONNOR. I am not so sure of that. I believe you will find precedents.

Mr. BRITTEN. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. Yes.

Mr. BRITTEN. The gentleman in his remarks a moment ago indicated that the request for this rule came from the legislative committee. Of course, he meant by that the Committee on Appropriations.

Mr. O'CONNOR. Yes.

Mr. BRITTEN. In that connection the gentleman has stated that 14 sections of the bill embody legislation desired by the administration, which means the White House. I agree with the gentlemen on that side of the aisle that if the White House desires certain legislation and desires that that legislation be not changed one iota in 14 sections of this bill, it is perfectly proper for that side to bring in a gag rule, because that is the only way they have passed legislation up to the present moment. They are but following in their usual footsteps. I think the gentleman's attitude is entirely in keeping with all previous procedure of the present Congress. This is just another gag rule. The Members of Congress are not permitted to think for themselves. The administration does the thinking for Congress, and then sends legislation up here and requests the Congress to pass it, and gentlemen on the Democratic side swallow it, hook, bait, and sinker, and pass the legislation without change in the dotting of an "i" or the crossing of a "t", simply because that is the way the administration wants it. It is perfectly natural that great metropolitan newspapers are referring to the present Congress as a "rubber-stamp" one.

Mr. BYRNS. I wonder if the gentleman ever did anything of that kind himself?

Mr. BRITTEN. Not yet. I may 2 years from now.

Mr. O'CONNOR. Mr. Speaker, as I said before, this rule was represented to us as being necessary. I hope it is the last one that we will be compelled to bring in unless most extraordinary circumstances call for it. I reserve the remainder of my time.

Mr. RANSLEY. Mr. Speaker, I am opposed to this rule because it prevents amendment to sections 4 to 17, inclusive. This is a tight and fast rule, similar to those that we have been having for the last two or more months.

I am opposed to the bill because it legalizes the breaking of contracts. In that respect I call attention to page 15 of the report, where, in a concise and argumentative manner, that part of the bill is opposed by the minority views and signed by 12 members of the Committee on Appropriations.

I am opposed to the bill because in section 10 we find it is impossible to amend or strike this section from the bill. That section provides:

That the President is authorized to place on furlough such officers of the Army, Navy, and Marine Corps as he deems desirable.

In the furloughing of officers no one knows how many are to be furloughed. We do not know whether it is to be 1,000, 2,000, 3,000, or 4,000 officers.

In that connection permit me to state that a high officer of the United States Army appeared before the Military Affairs Committee some 10 days ago and, when questioned along these lines, stated that he had not been consulted; he knew nothing about it, but if a severe cut like one of 2,000 or more officers was made by furlough, it would be utterly impossible for the Army to function under the National Defense Act.

I am opposed to the rule because it will be impossible to change in any way section 11 of the bill, where the President is authorized, in his discretion, to suspend the extra pay allowed the officers and men of the Army and Navy while on flying duty. The same officer, when questioned with reference to the cut in the pay of the Flying Corps, stated that

it would undoubtedly affect the morale not only of the officers but of the men as well.

I am opposed to the rule and will not only vote against the rule but will vote against the bill, because I find under the heading "Veterans' Administration" there is to be a cut of over \$34,000,000. This cut is made possible by closing what is known as the "regional offices." These offices were originally established so as to save not only the time but the money of the defenders of our Nation.

Mr. Speaker, for the reasons I have given I will not only vote against the rule but will vote against the bill. [Applause.]

Mr. O'CONNOR. I only have one further speaker on this side. Will the gentleman use some more of his time?

Mr. RANSLEY. I yield 8 minutes to the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts. Mr. Speaker, the Democratic leadership of this House is steadily and progressively becoming more reactionary every time we consider legislation. The only ray of light that those of us who have been seeking liberal consideration of legislation have had was the statement made by the gentleman from New York [Mr. O'CONNOR] when he said he hoped this would be the last gag rule that would be reported to the House.

Mr. TABER. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. TABER. Does the gentleman expect that the gentleman from New York [Mr. O'CONNOR] will be allowed to have his own way along that line?

Mr. MARTIN of Massachusetts. Well, I cannot say as to that; but I would say the gentleman is a very valuable member of the committee, and his views ought to be considered. [Laughter and applause.]

We have been so accustomed to gag rules I do not know whether we would be able to legislate if they were removed. Certainly they are always in evidence when we consider legislation.

The gentleman from New York [Mr. O'CONNOR] said this rule only applies to sections 4 to 17, but I want to call attention to the fact that these sections are the controversial part of the bill. The gentleman from Pennsylvania [Mr. RANSLEY] has explained some of the controversial features of this bill, and you will observe no Member of the House will be able to register an opinion upon those sections. Only through opposition to the rule can you express your convictions.

The demand for gagging the House has carried us to unusual efforts.

Last week the able Member from Missouri [Mr. CANNON], a Democrat and a distinguished parliamentarian, pointed out when we removed the divisibility rule we changed a rule that Thomas Jefferson first brought into effect in the Continental Congress; we changed a rule that was good enough for every Congress from Muhlenberg down through John Garner; but it is not good enough or tight enough for this House. We insisted in eliminating the old Jeffersonian landmark.

Now, today we have gone even further as a reactionary House in the consideration of legislation because we have wiped out the prerogatives and are destroying the committees of this House. Twelve years ago when the House decided to establish the Appropriations Committee, in the interest of economy, it was specifically understood that the committee would not infringe upon the jurisdiction of the several committees of the House; yet here many committees are being waived aside. It is in effect being maintained that one committee is best able to determine what shall be the decision upon these items which are coming before us. This withstanding the fact that many of the members of the other committees have made a life study of the subject.

I want to read a statement from a distinguished Democrat—from a Democrat who today holds a high place in the Democratic councils. Vice President Garner took part in the debate at the time of the establishment of the Committee on Appropriations, and this is what Mr. Garner said on May 27, 1921:

I said then, and I repeat now, that if the committee will do its duty it can be of great service to the country in the matter of economy. But if it undertakes to usurp the power of the other committees its life will be limited and its services at an end. You cannot let one committee of 35 members absorb the powers of the entire Congress. There will be a revolt sometime, led by somebody, that will bring about a different system. And I hope in the future the Appropriations Committee will keep within the rules of the House of Representatives and thereby continue its life. [Applause.]

These words were uttered by Mr. Garner and we should hesitate today and ponder over them. How prophetic they appear and what irony of fate that his own party is working to bring about the situation he feared.

At the last session of Congress we almost destroyed our national defense by putting into the hands of the Appropriations Committee power with reference to legislative matters that should have been handled by the Military Affairs Committee. Today we go further and in many directions. Unless we soon stop we will regret our new policy.

I am not making an appeal in a partisan sense. I am asking the House to consider this, not as a Republican but as a Member of this House who wants fair and full consideration of all the subjects that come before us. In this spirit I ask the House to vote down this rule. Let us consider the whole bill in an orderly way and open to amendments. If we do so, I believe we will get a good bill; one that will most fairly reflect the views of the House; and, above all, we will protect the integrity of the House.

The issue before us is a simple one. In voting you are asked to express your views in one of two ways. Either you are going to protect the rights of the Members of the House, you are going to protect the powers of the several committees, or you are going to vote to destroy the committees. If you vote for this gag rule, it will be an expression of the belief we should have an oligarchy in this House—that a few men should rule. This is the simple question before us, and I leave it for you thinking Members of Congress to decide in the interest of justice and in the interest of orderly procedure. [Applause.]

Mr. O'CONNOR. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Speaker, while I am not very friendly toward gag rules, I have been forced to endure them over a period of 12 years under Republican leadership; and by reason of being subject to such discipline, I find myself now in the position where I can at least tolerate them even though they do come from the Democratic side of the House. [Applause.]

The minority report on this bill lays particular stress on Federal contracts. If it evidenced little more interest in the welfare of our Federal employees it would merit greater sympathy and consideration from me.

I want to explain very briefly what particular contracts may be included in the legislation contained in this bill. Star route, mail messenger, air mail, and ocean mail contracts as they apply to the Post Office Department, of course, will come within the purview of this measure.

Under the able direction of the present Postmaster General, Mr. Farley, and his able corps of assistants, star-route contracts and mail messenger contracts are being reduced, and the Government will save millions of dollars due to this enlightened policy. However, a different problem confronts them with respect to air mail and ocean mail contracts. While I am not a lawyer and cannot delve deeply into the legality of these contracts, I can say to you that at least a number of these contracts are rather shady; and I could say without exaggeration that the air mail situation is a bad mess as a result of the improper administration of the Watres Act by the last Postmaster General.

Authority should be given someone to exercise drastic control over this situation. We have been spending millions on our subsidies with a lavish hand, while attempting to balance the Budget by reducing the wages of our workers.

A few years ago we passed the Watres Act, in which we specified that a certain limited sum of money could be paid



as a subsidy to passenger-carrying lines. I am ready to make the statement here and now that the Postmaster General disregarded that legislative mandate and increased the subsidies far beyond that limitation which was contained in the Watres Act.

What else did he do to make necessary legislation such as contained in this bill? Just before he left office he issued many new contracts. Perhaps they were legally right, but morally they were wrong and unjustifiable. I will cite a few of the instances for the information of the House.

*List of extensions awarded in the Air Mail Service shortly before close of last administration*

Route	Company	New service	Mileage	Month	Year	Date
No. 34 New York-Los Angeles.....	Transcontinental & Western Air..	Columbus-Fort Wayne to Chicago.....	285	\$7,082.36	\$34,988.42	Feb. 1, 1933
Do.....	do.....	Los Angeles-Bakersfield-Fresno to San Francisco.	353	11,257.24	135,086.87	Do.
No. 27 Bay City-Chicago.....	Trans-American Air Lines.....	Toledo-Columbus.....	114	3,294.12	39,529.50	Feb. 10, 1933
Do.....	do.....	Detroit-London to Buffalo.....	213	6,277.90	75,334.90	Feb. 11, 1933
No. 9 Chicago-St. Paul.....	Trans-American Air Lines.....	Albany-Springfield to Boston.....	162	10,672.96	128,075.58	Feb. 12, 1933
Do.....	Northwest Airways.....	Bismarck-Glendive-Miles City-Billings.....	394	9,791.06	117,492.76	Mar. 2, 1933
Do.....	do.....	Milwaukee-Grand Rapids to Detroit.....	253	12,131.04	145,572.59	Do.

Although the Department eliminated some of the air-mail mileage which was flown at that time, still, as a result of these new services given out during the closing hours of the last administration, drastic action is now necessary. If those contracts are continued at the rates specified, the Appropriations Committee will have to provide for the deficiency.

Now, what is the practical situation with regard to the Air Mail Service? The present administration has an air mail set-up authorized by the former Postmaster General that will cost the Government \$20,000,000 a year. Inasmuch as Congress has provided only \$15,000,000 for the Air Mail Service for the next fiscal year, something must be done. Contracts will have to be canceled, air-mail mileage will have to be reduced, branch lines will have to be eliminated, subsidy pay will have to be cut down. Any or all of these steps may have to be taken. No new extension should have been approved until Congress had decided upon the amount to be appropriated.

Mr. O'CONNOR. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. MEAD. Some of these extensions were given out as late as March 2 last. In view of the impending deficit and the administration then in its closing hours this action was unwarranted. I remonstrated with the Postmaster General; I urged him to leave the situation for his successor. But he could not be stopped. The present administration is certainly in a most embarrassing situation; they require our support and cooperation. I do not believe a Cabinet officer ever went out of office before with so little regard for his successor or the condition of the service.

Mr. CARTER of Wyoming. Will the gentleman yield?

Mr. MEAD. No; I am sorry, I only have a minute or two.

So I repeat the air mail situation needs correction, and it will be corrected by the present administration. It is perhaps too early for the administration to have secured the proper background and the knowledge necessary to press for intelligent, sound legislation, but I can tell you they are giving this question their earnest and sincere thought, and at an early date they will recommend legislation to reduce this subsidy and to place the air mail on a sound and permanent basis.

Now, what is the situation with regard to ocean mail contracts? The Postmaster General just before he left office tried to put two new contracts into operation. They were called "route 57" and "route 58." He failed only because he did not have time to fully complete the deal. These two contracts ought to be investigated, and I simply want to explain to the House that these are just a few of the contracts that might be covered by this bill. They need some attention. [Applause.]

The Post Office Department's contracts do not always contain a cancellation clause unless after a specified term of years. I will insert with my remarks a portion of an ocean mail contract which explains the manner by which it may be terminated:

(a) That the term of this contract shall be 10 years beginning at a date optional with the contractor, but not later than 18 months from February 21, 1933.

(b) That this contract, upon agreement of the Postmaster General and the contractor, may be terminated 5 years from February 21, 1933, or at any time after the expiration of said 5 years.

In witness whereof the parties hereto have executed this contract as of the day and year opposite their names appearing.  
Signed February 25, 1933.

[SEAL]

THE UNITED STATES OF AMERICA,  
By WALTER F. BROWN, Postmaster General.

In the presence of  
KENNETH MACPHERSON.

Signed February 24, 1933.

[SEAL]

LYKES BROS.-RIPLEY STEAMSHIP CO., INC.,  
By JAS. M. LYKES, President.

Witnesses:

HARDIN B. ARLEDGE.  
G. H. GRAYSON.

Mr. RANSLEY. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, considering the statement that my friend from New York [Mr. O'CONNOR] made when he presented this resolution to the House, when he practically apologized before the Rules Committee for bringing in any such rule, and said it was done by the direct order of the President himself or the administration, which means the President, I think I ought to call the attention of the House to a statement made by the distinguished President when he was a candidate, criticizing a Republican legislature in Albany for voting as a party on measures. Here is what the President said before election:

There are three ways of defeating proposed legislation. One is the method followed in the early days of our Republic, and which most truly conforms to the correct practice of a democracy.

This is consideration of each proposal in open session and serious debate, in an open-minded and nonpartisan spirit and with a sincere desire to weigh its merits. If it is found inadvisable or unwise, it is then slain, after a fair and open battle, and the reasons for such action are open for all the voters to examine and judge for themselves. This is the way in which all bills of real importance which have been shown any considerable approval and support by the voters of the State should be treated.

This is the way your own President says you should consider all important legislation, and notwithstanding this fact, and notwithstanding the fact that you have a majority of 200 in this House, you have not had the courage to bring one single important measure in here and consider it as your own President says it should be considered. Still you say you are following his orders. Was he right when he made this statement, or when he gave the orders my friend O'Connor refers to?

Now, just one further suggestion from your own President:

The second method is by the lash of the party whip, the demand on the legislators by their party leaders that they divide according to their political affiliations and leave to the master minds of their organizations the responsibility as to whether such action is justified or not.

He says you should not leave it to the master minds of the organization to make these decisions. As a matter of fact, the way you are going now you do not even leave it to the master minds of your own organization, but you leave it entirely up to the brain trust in the White House and you simply pass it under the lash of the party whip. [Applause.]

Further quoting the President:

In this procedure the bill, when brought up for discussion, is foredoomed to failure, and all debates thereon are of a purely perfunctory nature; nor can any argument or reasoning change the final vote. There is no possible justification for the adoption of this course on bills which are avowedly nonpartisan in character.

Notwithstanding your President's own statement, the gentleman from New York justifies his procedure here today by saying these are the direct orders from the White House. I leave the decision with you. Where is the independent part of the Democratic Party you have always bragged about so much? You are the most docile legislators I have ever seen. [Applause.]

Mr. O'CONNOR. Mr. Speaker, I yield myself 1 minute just to deny that I said we are proceeding under "orders of the White House" or "from the President." The word I used was the "administration."

The Rules Committee was advised that these 14 sections of the bill represented the legislative desires of the administration to accomplish its purpose of economy and efficiency. This was the whole intent of anything I may have said on the floor today. If, after what the country has gone through during the last 3 years, all we have done so far in this session to save the country is attributed to a "brain trust", let me say, please God, continue the brains! [Applause.]

Mr. RANSLEY. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Speaker, the legislative rider on this bill comprises nine important substantive provisions of legislation. Heretofore, when riders in the House were carried on an appropriation bill they were incidental to provisions relating to the subject matter for which the appropriation was being made. But these nine legislative provisions have nothing to do with the appropriations for the independent offices of the Government.

Not only is the rule and the procedure of our House grossly violated by putting in nine substantive provisions in the bill but those provisions are not subjects of deliberation. Further than that, they are not permitted to be read here. We are not allowed in the committee to read these nine provisions and deliberate upon them. And yet, we heard over the radio last night that Congress determines the policies and empowers the President to carry them into effect—when, as a matter of fact, Congress is not even allowed to know what the provisions are, much less determine them.

These provisions are fraught with the greatest importance. In section 4 we have a provision that any person who has been reallocated since June 1932 must go back to the pay he was receiving before such reallocation.

What does that carry with it? It has been held time and time again that such a provision was retroactive, and men in the employ of the Government since June 1932, to this date, will have to pay back into the Treasury the increase in salaries they have lawfully been receiving during this period.

We have in section 6 the right absolutely to cancel contracts—not to negotiate for their reformation, but absolutely to cancel them. Under that provision it is possible absolutely to destroy the merchant marine. Everybody knows that the ocean-mail pay has no relation to the mail-carrying service. It is frankly a subsidy and was so understood when it was enacted into law in 1928.

Contracts have been entered into by the steamship companies with shipyards to use the mail money for new construction, and commitments of millions of dollars out of the treasuries of the various ship companies have been made. When the mail contracts are canceled the obligation to carry on shipbuilding continues. In other words, you will bankrupt everyone who has a contract canceled.

There are provisions here with respect to personnel which are not well thought out, and which in some instances are unworkable and unnecessary hardships and injustice will ensue. I have not the time to go into the details.

Section 10 provides that our national defense so far as the Army is concerned may absolutely be crippled. There is no limitation on furloughs with half pay, but complete power is vested in the President. It is exactly like retiring on half pay.

[Here the gavel fell.]

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Mr. RANSLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Speaker, of course, there is not time to discuss adequately this rule and the merits of the legislation in the time allotted, but I do want to call attention to the unfairness of this particular rule as applied to this bill. It is more indefensible, if anything, as applied to this bill and the situation which confronts the House today than the other gag rules which have been passed during this session of Congress. This is true because it proposes to make in order such important legislation on an appropriation bill, and if the rule is adopted the House will be obliged to pass the legislation or defeat the appropriations for the independent establishments of the Government. The rule proposes to make in order sections 4 to 17, inclusive, 14 sections of legislation in this appropriation bill in violation of the regular rules of the House. After the passage of the Budget law the rules of the House were amended concentrating all appropriations in the hands of the one Committee on Appropriations. At the same time it was contemplated that the Committee on Appropriations would confine itself to reporting bills making appropriations in accordance with existing law, and the power to report legislation such as is proposed in this bill was expressly taken away from the committee. Accordingly, rule XXI, subsection 2, was adopted, which provides in substance, among other things, that no provision in an appropriation bill changing existing law shall be in order unless it shows on its face that it will reduce expenditures. It was the purpose of that rule to have the regular standing legislative committees report the legislative bills, but here is a supply bill carrying an appropriation of \$530,000,000 to keep the independent establishments of the Government in operation, and by this rule the House is asked to make in order sections 4 to 17, inclusive, which are new legislative proposals entirely and have nothing to do with appropriations. Each one of the 14 sections treats of important and distinct legislative matter. Amendments to them, except committee amendments, not only are not in order under the rule but it will not be in order to strike out any one of the sections or to get a vote on the motion to strike out if this rule is adopted.

How does that affect my constituents, for example? They have been trying for a long time to obtain an air mail contract for the carrying of mail from Grand Rapids to Milwaukee across Lake Michigan, thereby saving several hours. Air mail can be carried across Lake Michigan in something like an hour, but to go by train it must go from Grand Rapids to Chicago, and then to Milwaukee, which takes several hours, I do not know just how many, but enough so that the mail cannot go from one city to the other and be delivered on the same day as it can if it goes by air mail. According to the hearings before the committee, the Second Assistant Postmaster General testified that if this legislation passed he proposed to look into this contract with a view of abolishing it. I should like to have an opportunity to consider this proposition on its individual merits, and to get the expression of the House on a motion to strike out the section carrying this authorization, but under this rule there will be no opportunity to do that.

I am opposed to other provisions in the bill, especially those relating to the retirement of civil-service employees of the Government after 30 years' service, to the reduction or suspension of flying pay in the military service, to the retirement of officers and men in the Regular Army, to mention only a few. The House ought to have a chance to vote upon these separate propositions, but there will be no opportunity to do so under this rule. We must either refuse to vote for this supply bill entirely, or vote for all of this legislation. As for me, as long as we have until the 1st of July to pass the appropriations if need be, I shall vote against the entire bill rather than vote for the legislation which it contains. I think the House should vote down the entire bill, return it to the Committee on Appropriations, and let that committee report an appropriation bill not loaded down with legislation. [Applause.]



The SPEAKER pro tempore (Mr. SIMOVICH). The time of the gentleman from Michigan has expired.

Mr. RANSLEY. Mr. Speaker, I yield the remainder of my time to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, this rule makes in order 14 or 15 separate legislative propositions which would normally come from at least seven committees, and I do not know but more, and the provisions are very drastic. The object of the rule is this: None of these propositions would stand alone. They are thrown together so that the majority in the House will feel hog-tied enough to vote for the whole thing. They think that you folks on the Democratic side are prepared to swallow the sucker, whole. I am not going to discuss the details of the legislative provisions at this time, but I say to you as a member of the Committee on Appropriations I hate to see such a string of legislation tied to an appropriation bill. It is vicious. I am afraid it is destructive of the real service and the real good that an appropriations committee can do.

I hope the rule will be voted down and that we can have these items of legislation, if they have to be considered, considered under the general rules of the House, so that they may stand or fall according to the merits of each one. If they had solid merit, it would not be necessary to hog-tie them together. If they were really in the interest of the people, we would not have to go at the matter in this way.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. O'CONNOR. Mr. Speaker, I yield the remainder of my time to the gentleman from Texas [Mr. BUCHANAN].

Mr. BUCHANAN. Mr. Speaker, it is utterly impossible to discuss the merits or demerits of the legislation in this bill in 14 minutes. I shall only ask my colleagues on the Democratic side at least to take my word for it that every piece of legislation included within the scope of the rule has for its purpose efficiency in administration or economy in the saving of the taxpayers' money. Every piece of it is one link in the well-mapped-out program of the great President of the United States, to establish this Government on an economical basis. My friend from New York [Mr. TABER] says that we ought to let these things come on the floor of the House for open discussion. They claim that they did that. They had 12 long years to relieve this country, and they did nothing but plunge into financial despair; and now when we have a man who is trying to do something about it, we hear a howl from that side of the House.

I am going to pass over all of these amendments except one, and that is the one that the Republican members of the Committee on Appropriations filed minority views against. Twelve of them signed those minority views, because they say we ought not to vest in the President the right and power to modify or cancel transportation contracts, when it appears to him that the interests of the United States demand it and he could make a substantial saving by doing so. That is what the provision is. What contracts come within the purview of that provision? Principally domestic air mail and foreign air mail and merchant marine contracts. There are 46 merchant marine contracts on which we make a yearly expenditure of \$29,700,000. There are 9 foreign air mail contracts on which we spend \$7,000,000. There are 23 domestic air mail contracts on which we expend \$20,000,000, making a total of approximately \$57,000,000. How much of that is for subsidy and how much for service? Over \$42,000,000 is essentially and purely a subsidy, money given, donated to encourage air navigation and steamboat lines.

The minority report says the authorities have a right to cancel or modify these contracts. I tell you there is no authority vested anywhere to cancel any of these contracts, except a foreign air mail contract. The merchant marine contracts are subject to cancellation only by mutual agreement. Foreign air mail contracts are subject to cancellation by Congress or by the Postmaster General, by giving 1 month's pay. For them, this legislation would not be needed. Domestic air mail contracts can be canceled only

for willful neglect on the part of the contractor to perform his duty under that contract.

We made an appropriation of \$19,460,000 for domestic air mail contracts for this year. It was apparent at the commencement of this fiscal year that, unless something was done, there would be a deficiency in that appropriation.

The law provides that if the head of any department permits a deficiency to occur in his department, he is subject to summary dismissal from office, \$100 fine, or 30 days in jail. What are the facts? On December 19 the Republican Postmaster General ascertained there was a deficiency in this appropriation. He called in his contractors and he said, "We have to make reductions in the amount the Government pays you." He made the reductions, but he failed to realize the saving he expected on the conversion of routes 33 and 34 from a contract to a certificate basis. So that it left the air mail appropriation with a deficit, contrary to law. What did he do from the 19th of December to the end of his term to avoid that deficit and obey the law? Nothing to avoid the deficit. What did he do to increase it? On February 10 he established a new line, contrary to the plain provisions of two statutes enacted by Congress. One of them reads:

After July 1, 1931, the Postmaster General shall not enter into any contract for the transportation of air mail between points which have not theretofore had such service, unless the contract air mail appropriation proposed to be obligated therewith is sufficient to care for such contract and all other obligations against such appropriation without incurring a deficiency.

Mr. TABER. Will the gentleman yield?

Mr. BUCHANAN. For a question and nothing else.

Mr. TABER. Would not that provision of law make such a contract as the gentleman is referring to invalid, and not require any such thing as this legislation?

Mr. BUCHANAN. That is very doubtful. That provision of law makes the act of the Postmaster General in entering into all new air mail contracts since January 1, 1933, unlawful and criminal, and the provision in this bill vests in the President the authority and right to cancel or modify such contract; and all other contracts that would never become self-sustaining or that are unconscionable.

Mr. MOTT. Will the gentleman yield?

Mr. BUCHANAN. After I have finished my statement I will yield if I have time.

On February 10, less than 25 days before his term expired, the Postmaster General entered into a contract to establish a new air mail route from Los Angeles to San Francisco, actually duplicating a route already in existence. What do you think of that? There was already a route in existence and in operation, and he establishes another between the same cities. Is there anything rotten there? Was he paying political debts or was somebody's pocket being lined with gold out of the Public Treasury? The time has come when the light of intelligent Democratic administration should be shed on all contracts made under circumstances like this.

Mr. MOTT. Will the gentleman yield for a question?

Mr. BUCHANAN. No. If I have time when I get through assembling these facts I will yield, but not unless I do.

Now, what else? The Postmaster General obligated the Government to pay \$145,000 a year until 1936 for that contract, duplicating an existing one and increasing the deficit in that appropriation, in the face of the statute.

Is that all? On March 2, just 2 days before his term of office expired, he entered into another contract to establish another new route from Mandan, N.Dak., to Billings, Mont., for which he obligated the Government to pay \$105,000 a year from the time it was entered into until 1936.

Oh, gentlemen, what was the necessity to establish these routes? There was no emergency; no great employment of labor by those contractors. The Postmaster General only had 2 days more in office. What powerful motive was working in his breast to make him violate all precedents heretofore established by those going out of office? To make him violate the express provisions of the law so plain a way-faring man, though fool he be, can understand; yet he

enters into the contracts under those circumstances, 2 days before his term expires.

Is that all? Again, on March 2, he established another new route and enters into another contract, from Milwaukee, Wis., over Lake Michigan to Detroit, Mich., by Grand Rapids, and for that he obligated the Government in the sum of \$145,000 a year from March 2, 1933, until March 2, 1936.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield.

Mr. O'MALLEY. Does the gentleman know that the route from Milwaukee to Detroit, the extension of which was granted on March 2, had been promised by the Post Office Department for 3 years and at the last minute they finally lived up to their promise and gave us the route?

Mr. BUCHANAN. If it was justified, why was it not established before? Three years having elapsed while they were considering it, why could they not have left its merits to be passed upon by the new administration which would be charged with the administration of the contract?

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield.

Mr. MOTT. I understand the gentleman to say that the contracts he has been talking about are, in his opinion, illegal?

Mr. BUCHANAN. Unlawfully entered into by the Postmaster General, and should be reviewed, modified, or canceled as facts justify.

Mr. MOTT. Is it the gentleman's contention that it is necessary for Congress to pass an act to empower the Government to cancel an illegal contract?

Mr. BUCHANAN. It is not necessary, but it is expeditious. It is businesslike, because the Executive can have the contracts looked into and modify or cancel them by Executive order; whereas if the matter is allowed to go through the courts it may drag along for years, until the term of the contracts expire.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield.

Mr. TABER. Is not the reason it is expeditious because if this provision of law is enacted the contractor can collect damages from the Government whereas he could not if the contract were voided under existing law?

Mr. BUCHANAN. Oh, the gentleman is raising sand about this, yet at the very last session of Congress his side voted for congressional repudiation of one of these contracts, voted against including in the Post Office Department appropriation bill money to carry out the contract subjecting the Government to damages which he now seems to fear so much.

[Here the gavel fell.]

Mr. O'CONNOR. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. SHANNON) there were—ayes 139, noes 70.

So the previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

Mr. SNELL. Mr. Speaker, I ask for the yeas and nays on the adoption of the rule.

The yeas and nays were ordered.

The question was taken; and there were—yeas 202, nays 156, not voting 73, as follows:

[Roll No. 35]  
YEAS—202

Adams	Bloom	Byrns	Cochran, Mo.
Allgood	Boehne	Cady	Coffin
Arnold	Boland	Caldwell	Colden
Ayres, Kans.	Brooks	Carden	Cole
Bailey	Brown, Ky.	Cartwright	Collins, Miss.
Beam	Brown, Mich.	Cary	Cooper, Tenn.
Beiter	Buchanan	Castellow	Corning
Berlin	Buck	Celler	Cox
Biermann	Bulwinkle	Chapman	Cravens
Bland	Burch	Church	Crosby
Blanton	Burke, Nebr.	Clark, N.C.	Cross

Crowe	Griswold	McReynolds
Crump	Haines	Major
Cullen	Hamilton	Mansfield
Cummings	Harlan	Martin, Colo.
Darden	Hart	Martin, Oreg.
Dear	Harter	May
Deen	Hastings	Mead
Delaney	Henney	Miller
DeRouen	Hildebrandt	Milligan
Dickinson	Hill, Samuel B.	Mitchell
Dies	Hoidale	Montet
Dingell	Huddleston	Moran
Disney	Hughes	Nesbit
Doughton	Imhoff	O'Brien
Drewry	Jacobsen	O'Connell
Driver	Jeffers	O'Connor
Duffey	Jenckes	Oliver, Ala.
Duncan, Mo.	Johnson, Okla.	Palmisano
Durgan, Ind.	Johnson, W. Va.	Parker, Ga.
Eagle	Jones	Persons
Eicher	Kee	Patman
Elzey, Miss.	Keller	Peterson
Faddis	Kemp	Peyser
Farley	Kenney	Pierce
Fiesinger	Kniffin	Pou
Fitzgibbons	Kocialkowski	Ramspeck
Fitzpatrick	Kopplemann	Randolph
Flannagan	Kramer	Rankin
Ford	Lanzetta	Rayburn
Fuller	Larrabee	Reilly
Fulmer	Lee, Mo.	Richardson
Gambrill	Lesinski	Robertson
Gasque	Lewis, Colo.	Robinson
Gillette	Lindsay	Rogers, N.H.
Glover	Lloyd	Rudd
Gray	Ludlow	Ruffin
Green	McCarthy	Sanders
Greenwood	McClintic	Sandlin
Gregory	McGrath	Schaefer
Griffin	McKeown	Schuetz

#### NAYS—156

Allen	Doutrich	Kurtz	Richards
Andrew, Mass.	Dowell	Kvale	Rogers, Mass.
Andrews, N.Y.	Dunn	Lambertson	Rogers, Okla.
Ayers, Mont.	Eaton	Lambeth	Secrest
Bacharach	Eltse, Calif.	Lanham	Seger
Bacon	Englebright	Lehlbach	Shannon
Beck	Evans	Lehr	Shoemaker
Beedy	Fish	Lemke	Simpson
Blanchard	Fletcher	Lozier	Sinclair
Boileau	Focht	Luce	Smith, Wash.
Bolton	Foss	Lundeen	Snell
Britten	Frear	McCormack	Stalker
Browning	Gibson	McFadden	Stokes
Brumm	Gilchrist	McFarlane	Sutphin
Cannon, Mo.	Goss	McGugin	Sweeney
Cannon, Wis.	Granfield	McLean	Swick
Carpenter, Kans.	Guyer	McLeod	Taber
Carpenter, Nebr.	Hancock, N.Y.	McSwain	Taylor, Tenn.
Carter, Calif.	Hartley	Maloney, Conn.	Terrell
Carter, Wyo.	Healey	Mapes	Thomason, Tex.
Cavicchia	Hess	Marshall	Thompson, Ill.
Chase	Hill, Ala.	Martin, Mass.	Thurston
Christianson	Hill, Knute	Meeks	Tinkham
Clarke, N.Y.	Hoepfel	Merritt	Traeger
Cochran, Pa.	Hollister	Millard	Treadway
Collins, Calif.	Holmes	Monaghan	Turpin
Colmer	Hooper	Morehead	Watson
Condon	Hope	Mott	Wearin
Connery	Howard	Murdock	Weideman
Connolly	James	Musselwhite	Welch
Cooper, Ohio	Jenkins	O'Malley	West, Tex.
Crosser	Johnson, Minn.	Parker, N.Y.	Whitley
Crowther	Johnson, Tex.	Parks	Wigglesworth
Culkin	Kahn	Peavey	Withrow
Darrow	Kelly, Pa.	Polk	Wolcott
De Priest	Kinzer	Powers	Wolverton
Dirksen	Kleberg	Ransley	Wood, Mo.
Dobbins	Kloeb	Reece	Woodruff
Dondero	Knutson	Rich	Young

#### NOT VOTING—73

Abernethy	Dickstein	Kerr	Reed, N.Y.
Adair	Ditter	Lamneck	Reid, Ill.
Almon	Dockweiler	Lea, Calif.	Romjue
Arens	Douglass	Lewis, Md.	Sabath
Auf der Heide	Doxey	McDuffie	Sadowski
Bakewell	Edmonds	McMillan	Somers, N.Y.
Bankhead	Fernandez	Maloney, La.	Strong, Pa.
Black	Foulkes	Mariand	Sullivan
Boylan	Gavagan	Montague	Summers, Tex.
Brand	Gifford	Moynihan	Taylor, Colo.
Brennan	Gillespie	Muldowney	Tobey
Brunner	Goldsborough	Norton	Utterback
Buckbee	Goodwin	Oliver, N.Y.	Wadsworth
Burke, Calif.	Hancock, N.C.	Owen	Waldron
Burnham	Higgins	Perkins	Wolfenden
Busby	Hornor	Pettengill	Zioncheck
Carley	Kelly, Ill.	Prall	
Chavez	Kennedy, Md.	Ragon	
Claiborne	Kennedy, N.Y.	Ramsay	

So the resolution was agreed to.



The Clerk announced the following additional pairs:  
On this vote:

Mr. Owen (for) with Mr. Wadsworth (against).  
Mr. Kennedy of Maryland (for) with Mr. Goodwin (against).  
Mrs. Norton (for) with Mr. Bakewell (against).  
Mr. Boylan (for) with Mr. Wolfenden (against).  
Mr. Auf der Helde (for) with Mr. Reed of New York (against).  
Mr. Bankhead (for) with Mr. Muldowney (against).  
Mr. McDuffie (for) with Mr. Higgins (against).  
Mr. Fernandez (for) with Mr. Ditter (against).  
Mr. Hancock of North Carolina (for) with Mr. Reid of Illinois (against).  
Mr. Prall (for) with Mr. Moynihan (against).  
Mr. Sabbath (for) with Mr. Tobey (against).  
Mr. Ragon (for) with Mr. Edmonds (against).  
Mr. Oliver of New York (for) with Mr. Waldron (against).

Until further notice:

Mr. Hancock of North Carolina with Mr. Gifford.  
Mr. Kennedy of New York with Mr. Buckbee.  
Mr. Brunner with Mr. Strong of Pennsylvania.  
Mr. Pettengill with Mr. Perkins.  
Mr. Taylor of Colorado with Mr. Burnham.  
Mr. Sumners of Texas with Mr. Dockweller.  
Mr. Utterback with Mr. Chavez.  
Mr. Douglass with Mr. Doxey.  
Mr. Abernethy with Mr. Sadowski.  
Mr. Kelly of Illinois with Mr. Gillespie.  
Mr. Lamneck with Mr. Burke of California.  
Mr. Maloney with Mr. Kerr.  
Mr. Gavagan with Mr. Almon.  
Mr. Adair with Mr. Ramsay.  
Mr. Romjue with Mr. Arens.  
Mr. Black with Mr. Lewis of Maryland.  
Mr. Busby with Mr. Carley.  
Mr. Sullivan with Mr. Hornor.  
Mr. Somers of New York with Mr. Maloney of Louisiana.  
Mr. Brand with Mr. Marland.  
Mr. Claiborne with Mr. Dickstein.  
Mr. Montague with Mr. Zioncheck.

Mr. UTTERBACK. Mr. Speaker, I was out of the Chamber telephoning the headquarters of the Red Cross. If permitted to vote, I would vote "yea."

Mr. LAMNECK. Mr. Speaker, I desire to vote. I was in the corridor outside the door.

The SPEAKER. The gentleman does not qualify.

Mr. LAMNECK. If permitted, I would vote "yea."

Mr. BYRNS. Mr. Speaker, the gentleman from Maryland, Mr. KENNEDY, is unavoidably absent. If he were here, he would vote "yea."

Mr. CANNON of Missouri. Mr. Speaker, I object to this practice of stating how a Member would vote if he were present.

Mr. CULLEN. Mr. Speaker, the gentlewoman from New Jersey, Mrs. NORTON, is unavoidably absent. She has requested me to state that if she were present she would vote in the affirmative.

Mr. CANNON of Missouri. Mr. Speaker, I regret having to do so, but I make a point of order against these statements as to how Members would have voted if present.

The SPEAKER. The point of order is well taken, but the statements have already been made and it does not avail the gentleman anything under the circumstances.

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the resolution was agreed to was laid on the table.

#### NAVY BUILDING URGENT

Mr. SEARS. Mr. Speaker, I ask unanimous consent to have printed in the RECORD an article appearing in the Public Record, of Philadelphia, Sunday, April 30, on the Navy Building, by my colleague the gentleman from Pennsylvania [Mr. DARROW].

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SEARS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

[From the Philadelphia Public Ledger of Apr. 30, 1933]

DARROW CITES DECADENCE OF FLEET AND REAL OBJECTIVES TO BE ATTAINED BY BIG PROGRAM

By Representative George P. Darrow

The necessity of building up our Navy to treaty strength has never been more apparent than it is today. During the last 12 years we have allowed our Navy to decline to such a point that we are now a poor third, and unless a building program is begun

immediately we shall find ourselves at the expiration of the London Treaty, December 31, 1936, the fifth ranking naval power.

Today we are faced with the need for stringent governmental economy. Simultaneously there is a demand that the Government take action to improve the distressing unemployment situation with which we are faced and give push to industry and commerce which will, it is hoped, start the car of prosperity rolling again. For this purpose there could be devised no method superior to a reasonable program of ship construction.

A shipbuilding program should be included in the President's proposed Federal construction program. Such a program for construction of new ships would greatly stimulate the shipbuilding industry, which has been allowed to stagnate in recent years, and a revival of this industry means an increase in employment.

We need ships, for, due to the dropping off in our naval construction, we are falling behind in the up-to-dateness of our fleet.

#### LABOR REAPS BENEFITS

Over 85 percent of the cost of a warship's construction goes finally to labor, only the remaining 15 percent or less is a drain against the national wealth. By employing labor on such work, instead of supporting the men on a dole or other form of paternalism, use is being made of something that otherwise would be wasted.

In this country we are, strangely enough, at present suffering from an excess of all things normally regarded as good. We have a surplus of farm products for which no consumers can be found. We have stocks of raw materials far beyond the present capacity of our manufacturing industry to utilize. We have well-equipped factories of every sort, capable of producing more than they sell. We have a transportation and distribution system more than ample to deal with our requirements.

And, finally, we have a mass of skilled and unskilled labor which cannot find employment. The situation cannot be met by raising more food or manufacturing more goods to add to our present surplus and to further decrease prices; not by building more factories or improving our present transportation and distribution system, which are already more than adequate.

What is required is a form of useful activity which will not further increase the ills from which we are suffering. If such an activity can be found, it will be reasonable that the present cost of putting these men to work shall to a moderate extent be made a charge against the future prosperity which such a policy is designed to produce.

#### PENNSYLVANIA WOULD BENEFIT

A building program has been suggested by Representative VINSON, chairman of the Naval Affairs Committee of the House, to cover 30 vessels, including 2 airplane carriers, 4 light cruisers, 20 destroyers, and 4 submarines to be completed in 3 years. Such a program would cost roughly \$230,000,000, and it is obvious the number of men such a program would put back into the ranks of employed.

Pennsylvania is a shipbuilding State, and if such a program were begun the State would benefit materially and immediately. The plans of the ships desired are already drawn. As soon as their construction may be authorized orders for material will commence to flow and the money spent will find its way through the many channels of commerce and industry in every part of the United States.

The ore mines of Michigan, the forests of Oregon, the oil fields of Texas, the copper smelters of Utah, and the manufacturing interests of all the Eastern and Midwest States would alike feel the stimulating impetus of this program.

And when the ships are manned and launched it will be realized that a mighty good bargain was made in providing naval replacements at depression prices.

Philadelphia is the center of the Nation's shipbuilding area. In addition to its navy yard, the New York Shipbuilding Co. is located across the Delaware River in Camden; at Chester is the Sun Shipbuilding & Drydock Co.; and another smaller yard is located at Wilmington. The construction of several new ships in this area would be of inestimable value to Philadelphia and its neighboring cities.

#### NAVY YARD FULLY EQUIPPED

The Philadelphia Navy Yard is fully equipped for work of this character. It has many advantages which cannot be disregarded. Its distance from the sea and the ease with which the channel can be closed renders it immune from raids from the sea, at the same time but slightly reducing its accessibility. It is located in fresh water, which causes much less deterioration of vessels than salt water. It has a climate which, while permitting all-year-round work, is not debilitating. It is in the heart of the great industrial center and the greatest shipbuilding section of the United States.

Since it is readily apparent that the upbuilding and maintenance of our Navy is a matter of utmost importance and in the present emergency it is so necessary to maintain as well as increase the opportunities for employment of American labor, it should be evident that a shipbuilding program of the nature proposed by Congressman VINSON is of utmost importance.

Such a program would stimulate business in the city and State, aid the employment situation at our navy yard and shipyards, and be a great step toward building our Navy up to its allowed treaty strength.

PROTEST AGAINST THE APPOINTMENT OF FORMER SECRETARY OF STATE STIMSON AS A DELEGATE TO THE FORTHCOMING WORLD MONETARY AND ECONOMIC CONFERENCE AS AN AFFRONT TO THE REPUBLICANS OF THE COUNTRY

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having published a statement which I released to the press this morning in relation to Henry L. Stimson.

Mr. CLARKE of New York. Is it an article written by the gentleman?

Mr. TINKHAM. It is.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TINKHAM. Mr. Speaker, during the last several weeks the press has indicated, apparently with some official sanction, that Henry L. Stimson, former Secretary of State, may be appointed by the present administration as one of the delegates to the World Monetary and Economic Conference soon to be held in London.

Mr. Stimson is an extreme internationalist and is opposed to all American traditional policies in foreign affairs. This may recommend him to the present administration. His appointment as a delegate to the World Monetary and Economic Conference, however, would be an affront to the Republicans of this country.

Mr. Stimson has never represented the views of the Republicans in relation to foreign affairs. The Republicans have always stood and stand today against the participation or interference of the United States in the political affairs of other countries, particularly of Europe, and the maintenance of strict American neutrality.

During Mr. Stimson's administration of the Department of State American interests were subordinated to European interests and American foreign policies were dominated by the British Foreign Office.

The objectives of the British Foreign Office and of European interests have been to bring about the abolition of American neutrality, the reduction of American naval strength, and the involvement of the United States in the political affairs of other countries. Mr. Stimson has served all these objectives.

In 1930 Mr. Stimson negotiated a naval treaty which made the strength of the American Navy contingent upon the strength of the British Navy in order that Great Britain might control the Mediterranean, thereby advancing British navalism and Britain's control of the seas.

During the Naval Conference of 1930 Mr. Stimson led in the surrender to British demands for a reduction in the number of American 8-inch-gun cruisers.

During this conference Mr. Stimson attempted to entangle the United States in the political affairs and in the conflicts of Europe by advocating a consultative pact, which was bitterly denounced, even by Mr. Hoover. Notwithstanding, Mr. Stimson later forced a plank in the Republican platform providing for a consultative pact, which plank provoked much hostility and alienated much support from the Republican Party.

While Secretary of State, Mr. Stimson converted a mere declaration of policy known as the "Kellogg-Briand Pact" into a doctrine dangerous to the peace of the United States, a doctrine never contemplated by those who signed the pact, one which threatens to entangle the United States in the political affairs of practically every country in the world. This doctrine was declared in connection with the Sino-Japanese situation, in which the League of Nations was taking action under its covenant. Mr. Stimson announced that the United States did not intend to recognize "any situation, treaty, or agreement" brought about by means contrary to the obligations of that pact. Such action was highly provocative and hostile to Japan, with whom the United States should remain at peace.

The League of Nations and Great Britain immediately hailed this declaration as an abandonment by the United States of its policy of neutrality and as the adoption by the United States of the policy of the League and Great Brit-

ain to maintain peace by coercion and force, by sanctions, boycotts, embargoes, and war.

In order that this declaration might be enforced against Japan, just before leaving office Mr. Stimson called upon Congress to give the President unlimited authority to impose an embargo on the exportation of arms and munitions of war to any nation or nations which the President might select. Such authority was not granted to the President during the last Congress. When this proposal was resubmitted recently to Congress by the present administration, only too ready to adopt the extreme internationalism of Mr. Stimson, the proposal was unanimously denounced by the entire Republican membership of the House Committee on Foreign Affairs and later on the floor of the House by the Republican leaders, supported by practically the entire Republican membership of the House, chiefly on the ground that its exercise would violate our neutrality and would be in international law a cause of war.

There is nothing that the present administration could do to disaffect in a greater degree the support of the Republican membership of Congress from the conclusions and recommendations arrived at by the World Monetary and Economic Conference than to appoint Mr. Stimson as one of its delegates.

#### THE SALES TAX

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SWEENEY. Mr. Speaker, under the leave to extend my remarks in the RECORD I ask unanimous consent to include a radio address delivered by me over station WJAY at Cleveland, Ohio, Sunday, May 7, 1933, on the proposed sales tax for the State of Ohio. There being no objection, the address was ordered to be printed in the RECORD, as follows:

Tonight, at 9:45 o'clock, the Chief Executive of this Nation will report to you and to the entire country the progress being made by the Federal Government to bring back prosperity to our Republic and its people. For 60 days the President and the Congress have labored at this task.

The Ohio congressional delegation in the House of Representatives, of which I am a Member, has in every instance and unanimously backed President Roosevelt in every measure designed to increase the buying power in our country, to stimulate trade and commerce in the Nation, and to set the heels of industry in motion once more.

Instead of backing President Roosevelt here in Ohio and synchronizing with the national program, the Governor of this State is proposing to the legislature the enactment of a sales tax which will slow up commerce and levy such a tremendous tribute upon it that the work that President Roosevelt and the Congress have done so far will be greatly hampered in Ohio. It is to prevent such a frustration of the national program by adoption of the proposed sales tax that I returned from Washington this week end to make this appeal to you.

A sales tax or a consumers tax, or any other tax of a similar nature, is the most vicious and drastic form of taxation that can be adopted by a governmental agency to raise revenue. It is the creation of selfish, vested, special interest minority groups devised for the purpose of shifting a just share of taxation from their shoulders to the shoulders of the unorganized mass majority.

The coupon sales tax proposed by Governor White, and now being drafted by a special taxation committee of the Ohio Legislature, is the result of the tremendous pressure applied to the Governor by the special interests lobbies now operating in Columbus.

Never in the history of this State has there been assembled such a tremendous lobby of special privilege seeking to influence the course of legislation as there is assembled in Columbus, our State capitol, today. This group of subservient manipulators has banded together to load upon each and every one of you, farmer and city dweller alike, the burden of taxation that should be upon the shoulders of their masters.

Just consider for a moment the groups that have made common cause against you and have coerced our Governor into adopting their program.

First, and most active, are the highway contractors, road-material men, and their allied industries who wax fat on public contracts to build new roads.

Then comes the lobby of the school supply and textbook companies seeking to maintain a highly extravagant school program, not for the benefit of the children but to create a market for their expensive products.

Following them are the gasoline and oil interests, who are fighting further taxes, and hope to gain a reduction in the tax now on their product, which necessarily is paid by the consumer.



And then trailing along behind these are various lobbies of groups who fear the imposition of nuisance taxes on their products.

And allied with these groups are the lobbies of still other groups who have been cajoled and coaxed into the movement by the specious promises made by the other special groups that the sales-tax program will reduce the tax burdens likely to or now resting upon them.

But behind this group, manipulating and maneuvering with Machiavellian cunning is the well-seasoned, long-experienced, diabolical public-utilities lobby, that remains in the background and hides its grasping fingers in a glove that it has fashioned out of the self-interest of the other groups. The utilities lobby knows that during this entire depression, when the price of every other commodity and service has been substantially cut, their companies have selfishly and ruthlessly maintained their rates, and have even, in some instances, had the audacity to ask for increase in those rates.

The American Telephone & Telegraph Co. has maintained its outrageous dividend rate of 9 percent. The dividend rate of other public utilities has been maintained at a high level and their stockholders have waxed fat upon the misery of the rest of the Nation. They know that social justice demands that a substantial part of their income should be diverted from their coffers to the Public Treasury. But being imbued with the greed and selfishness that marks the ultraconservative capitalist, they exercise their machinations at the State's capitol to load upon the backs of the consumers of this State practically the entire burden of the government and seek to raise by this sales tax almost one half of the revenue to be raised in this State.

The proposed bill has a snare in it. The snare is the coupon feature that has aroused so much furor.

The coupon feature has been added to the measure solely and alone for the purpose of centering the indignation and righteous wrath of the masses against that feature of the proposed sales-tax bill. Then if that storm of protest that is now rising from every corner of this State becomes so overwhelming that it cannot be withstood, these special interests intend to simulate a surrender by eliminating the coupon feature from it.

But remember this and never forget it: The elimination of the coupon still leaves what each and every special interest wants—a consumers' tax, whereby each and every person who spends a single solitary 5-cent piece pays a portion of that consumers' tax and relieves the special interests and minority groups of that much of their just share of the burden.

The supposed exemption of farm products and staple foodstuffs from the schedule is a mere sham and pretense. The sacks in which the wheat is transported from the farm to the mill and the flour from the mill to the consumer are taxed. The boxes and crates in which such products are conveyed to market are taxed. The cans that contain the food product are taxed; even the labels that embellish the cans are taxed. Every bit of clothing that is purchased; every lead pencil that every school child buys; every necessity other than the small group of foodstuffs is taxed.

The tremendous sum of \$40,000,000 is sought to be levied upon commerce of this State.

Before the Governor of this State surrendered to the special-interest groups that infest the capitol like prowling creatures of prey, I addressed a letter to the Governor indicating the social justice of imposing a tax increase upon public utilities of this State which would raise a \$45,000,000 fund—more than equal to the amount the Governor thinks he can raise from the sales tax.

This can be very conveniently and simply done by amending section 4 of amended senate bill No. 4, passed by the general assembly on March 21 of last year and approved by the Governor on April 5 of last year, so that the tax imposed by that measure be increased from 1 percent, as is now provided by that act, to 10 percent, and to add to the act a provision that the right of public utilities to file schedules increasing their rates with the public utilities commission be suspended during the period the act is in force.

Under the 1-percent provision of the present act the State received last year  $4\frac{1}{2}$  million dollars from the public utilities. An increase of this tax to 10 percent will produce 10 times that revenue or \$45,000,000.

The public utilities of this State, persisting in their oppressive demands that their inflation-period rates be maintained, can well afford to pay this tax and not shift it to the backs of their employees by cutting their employees' wages. In many instances in order to increase their profits they have already unwarrantedly cut the wages of their employees or dismissed them from service entirely.

The one thing that keeps public utilities in the almost invincible position they enjoy in Ohio today is the public utility law of this State which gives three men in Columbus, Ohio, known as the "utility commission", the right to fix utility rates; and it has so burdened these three men with such an innumerable number of rate controversies that those rate controversies remain for year after year and almost decades without determination, while the public utility continues to charge its exorbitant prices.

The time is coming now when the public utilities act, insofar as fixing rates for municipalities is concerned, will be repealed by a justly outraged citizenry of the State and the powers to fix the utility rates in the cities and villages of this State will be torn out of the hands of the triumvirate in Columbus and returned to the people of the municipalities which the utility serves. Then if a dispute arises between a municipality and the utility as to a proper charge or rate, these matters will be determined by the court of common pleas of the county in which the

municipality is situated. There the litigation can be speedily tried and speedily determined, and the burden of showing the unreasonableness of the rate will rest upon the utility rather than upon the municipality.

And now just a few words on the fundamentals of this form of taxation.

Neither of the major political parties have ever endorsed a sales tax. On the contrary, the Democratic Party, in its convention platform of 1924 declared against the sales tax, using the following language: "We oppose the so-called 'nuisance taxes', sales taxes, and all other forms of taxation that unfairly shift to the consumer the burden of taxation."

In the Seventy-second Congress of the United States the general manufacturers' sales tax went down to defeat by a vote of 236 to 168. I was in that fight and voted against the measure. The same lobby that now holds forth at Columbus urging a sales tax there, was in evidence at Washington last year. So bitter was the sentiment against this form of taxation in the Senate of the United States that 55 United States Senators signed a round robin declaring their opposition to the sales tax. President Franklin D. Roosevelt has more than once opposed the sales tax and expressed his contempt for this vicious means of raising revenue, by taxing consumption.

In a letter to Senator ROBERT LA FOLLETTE, dated May 26, 1932, William R. Green, president of the American Federation of Labor, registered in behalf of that group of organized workers of the Nation, whom he represents, his protest against the sales tax in the following language: "Labor is opposed to the sales tax because it is wrong in principle. It tends to impose the burden of taxation on those least able to pay and enables the richest of our citizens to escape their just share of taxation." I might say in passing that the Cleveland Federation of Labor and the Ohio Federation of Labor are on record in opposition to this form of taxation.

During the debate in Congress on the sales tax this startling information was presented:

Thirteen percent of the people of the United States own 90 percent of the total wealth of the country. If this class was taxed according to ability to pay, the 13 percent of the people should pay 90 percent of the taxes. Under the operation of the proposed sales tax the reverse would be the case, for, basing the tax exclusively on consumption, as a sales tax would do, 87 percent of the people would bear the burden of this tax while owning only 10 percent of the wealth of the Nation.

Once you saddle a sales tax on the backs of the people of Ohio, you will never get rid of it. The big interests will see to that.

The great army of consumers are not organized; hence, the reason for this and other appeals that are being made by newspapers and civic groups in Ohio at the present time. The depression and destruction of our banking systems have aroused the people from their state of apathy. It took men like the Rev. Charles E. Coughlin and others to turn the spotlight upon the crooked international bankers and create a sentiment of protest that caused the Congress of the United States to enact legislation permitting this country to go off the gold standard and place the power of inflation of the currency in the hands of the President of the United States.

Let me tell you that in response to Father Coughlin's appeal to write to your Congressman, I received over 10,000 letters from my constituents, advocating a revaluation of the gold ounce. The people who take time to write a letter on a subject of this kind are taking an interest in the affairs of their Government, and that to me is a very healthy sign.

Do you think that this tax should be collected by your paying a tax on every pair of shoes you buy, every shirt you wear, every article you purchase, or should the East Ohio Gas Co., the Ohio Bell Telephone Co., the Cleveland Electric Illuminating Co., the only companies which have not been compelled to lower their prices, be required to disgorge some of the unconscionable profits that have swelled their coffers and are still causing their bank accounts to bulge over all others?

The injustice of the sales tax is so apparent and flagrant that the persistence of the Governor in contending for it and endeavoring to force it into law will do more to create communists in the State of Ohio than any other single act that can be conceived.

It is time that the unorganized majority in this State express themselves. Write to the Governor. Get a penny post card if you cannot afford more and write a single line on it, "Ohio wants no sales tax", and sign your name and address to it. If your newspapers publish a coupon on the subject sign it and send it to them. They will see that the Governor gets it. Every listener can afford 1 cent for a post card and he can get his neighbor to spend a penny for one. If everyone of you voice your protest in that form there will be such a blizzard of post cards whirl into Columbus that the sales tax will be buried so deeply that it can never be dug out by all the special interests in the State. Simply address your post card to Gov. George White, Statehouse, Columbus, Ohio. Send in your protest at once and save Ohio from the curse of a sales tax.

MINUTES AND RESOLUTIONS, CONTINENTAL CONGRESS FOR ECONOMIC RECONSTRUCTION, WASHINGTON, D.C., MAY 6-7, 1933

Mr. LUNDEEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and include the minutes and resolutions of the Continental Congress held in Washington, D.C., May 6-7.

There was no objection.



Mr. LUNDEEN. Mr. Speaker, ladies and gentlemen of the House, under leave to extend my remarks I wish to congratulate the delegates of the continental congress, and I also wish to express my appreciation for their interest in public affairs and the welfare of the country at large.

Many of these delegates came here at great self-sacrifice. Their ambition to serve their countrymen well outweighed any personal considerations. Men and women, more than 4,000, assembled in a great congress in the Washington Auditorium on Saturday and Sunday, May 6 and 7, in response to a call signed by 250 leading representatives of labor organizations, farm groups, cooperative societies, educational, youth, and peace bodies, and the Socialist Party—a continental congress on economic reconstruction—meeting for the purpose of uniting the progressive forces of our country on a comprehensive program that would bring about not only economic recovery but economic reconstruction.

These delegates in attendance, represented between 2,000,000 and 3,000,000 organized farmers and industrial workers—labor organizations identified with the American Federation of Labor, farmers representing the more militant sections of the farm population, representatives of several hundred unemployed leagues, cooperative societies and student bodies, peace groups, labor, fraternal, and socialist clubs from 46 States. The delegates of these and other organizations participated in the deliberations, served on committees on which they were selected, and after 2 days of deliberation reached an agreement on all major questions that came before them, and also set up a national committee to continue the work of unifying and mobilizing the workers and farmers of our Nation.

Once before in our national history a Continental Congress started the machinery that culminated in making us a politically independent Nation. The purpose of the continental congress of 1933 was to provide a program that will insure economic independence, without which political independence is not likely to be of much moment.

A series of reports and a declaration of independence were adopted during these sessions. Because they present a program radically different from the one which is receiving the consideration of the two major parties, I wish to call the country's attention to these reports and declarations.

Here is a report submitted by the committee on public ownership:

The suffering and agony of the last 3 years in the United States proves conclusively that our present economic order has broken down. It is imperative that a new economic order be established which will eliminate the planlessness, the waste, the exploitation, the inequalities of income, the dictatorship of finance, and the wars and imperialism of the present capitalist order, and will assure to every human being in the country a standard of living and happiness far higher than has ever yet been realized.

Industrial workers and agriculturalists alike suffer from the same fundamental evil. In order to deliver both groups from the greed of corporate owners we demand the public ownership and operation of all the means of public transportation and communication, of all public utilities, of all natural resources, and of all basic industries.

These publicly owned industries should be operated by boards of administration on which the workers, the consumers, and the technicians are adequately represented. Each industry must recognize the principles of collective bargaining and civil service.

I am greatly interested in a report of the committee on unemployment and economic insecurity—

About 17,000,000 American workers are jobless. Half of the Nation's industrial machinery is silent. Farmers are bankrupt. For more than 3 years economic paralysis has crept unceasingly from factory to factory until today stagnation, uncertainty, and insecurity are universal.

In the face of this colossal disaster, for which the workers are in no way responsible, public relief has been so meager and halting that multitudes of children go hungry while desperate parents are driven to suicide. In a land whose warehouses are bursting with food, misery and starvation stalk through the streets.

The capitalists and their political representatives have fully demonstrated that they have no remedy for this desperate state of affairs. In the past the Nation emerged from depressions because new lands were opened up in the West, new industries were developed, and new world markets conquered. The West is now settled, American industry is overdeveloped, and there is little chance to win new world markets. The only way out this time is a fundamental reorganization of our economic system so that production will be carried on, under the control of the workers, for

use instead of for private profit. On the road to this new social order we propose the following concrete measure to meet the immediate needs of the workers and farmers:

First, we demand an immediate initial Federal appropriation of \$3,000,000,000 for direct unemployment relief, to be distributed in cash without humiliating red tape so as to provide amply for all necessities of life to those who are in need, including sufficient allowance to prevent evictions. Heretofore relief has been grossly inadequate as evidenced by the fact that only one third of the unemployed have received assistance while those getting help generally average less than \$20 a month for an entire family. The \$500,000,000 Federal relief appropriation now before Congress will not substantially increase the pitifully inadequate allowance provided by the Hoover administration. The failure of the Roosevelt administration at this critical time is all the more glaring because of the increasing inability of local governments to carry the relief load. As part of a general unemployment-relief program, we demand the immediate payment of the bonus to all veterans who are unemployed or facing difficulties on the farm.

Secondly, we demand national and State legislation establishing the 5-day week and the 6-hour day, without a reduction in wages. The march of the machines has displaced millions of workers from industry who can never regain their jobs unless the work week is permanently shortened. We condemn, however, all "share-the-work" proposals of the employers which are designed to shift the burden of unemployment relief to the workers who still have jobs.

Third, we demand a \$6,000,000,000 appropriation by the Federal Government for public works. Special emphasis in this program should be placed upon rehousing the 40,000,000 Americans now living in indecent, insanitary, and disease-breeding slums, the provision of electric facilities for one third of the American people dwelling principally in rural areas who do not today enjoy the benefits of electricity, and the building of modern schools and hospitals in those communities where they are needed. All public construction work shall be carried on under trade-union conditions and with the payment of trade-union wages. In this connection we condemn the present policy of employing 250,000 men in the Nation's forests at the meager wage of \$1 a day, under a semimilitary system of administration and control. We demand that no relief committee shall have jurisdiction over any public-works project. A \$6,000,000,000 expenditure annually on public works would bring construction back to 1928 levels and would reemploy a minimum of 8,000,000 men and women both directly and indirectly. Despite vicious propaganda to the contrary, public works in the United States have not been tried, as evidenced by the fact that public construction in 1933 will be only one half and private construction barely one seventh of what it was in 1928.

Fourth, we demand a complete system of Government insurance to provide for unemployment, sickness, accidents, maternity, and old age. Even in the best of times millions of workers go without jobs while illnesses and accidents deprive others of their livelihood and old age cuts off the earnings of hundreds of thousands of men and women. Experience over all the world has demonstrated that a system of compulsory social insurance is the only bulwark under the present system against these risks of modern economic life for the workers.

Fifth, we demand legislation which will take all children under 16 years of age out of industry and put them in school. Hundreds of thousands of children at the present time are holding jobs which should be filled by adult workers.

Sixth, we demand national emergency legislation reducing the interest and principal on working class home mortgages in proportion to the decreased ability of the people to pay and that a moratorium on foreclosures for unemployed and part-time working class home owners be declared. The President's proposal for refinancing home mortgages will provide a very meager relief for only 10 percent of the home owners in the United States. The chief beneficiaries will be the mortgage companies because under the administration's program the Government will hold the bag for the bad mortgages while the great bulk of hard-working home owners who have denied themselves and their families of life's necessities to meet their mortgage obligations will get no relief. Without these readjustments millions of workers in the United States will have their homes confiscated. Unless this legislation is promptly enacted or the necessary reductions agreed to by their creditors, we urge home owners to strike against the payment of interest and principal.

We call upon the workers and farmers assembled at this continental congress to wage a vigorous determined struggle for these measures.

We are all interested in this report of the committee on agriculture:

The working farmers of the United States, like the workers in industry and trade, are victims of the profit-making system of capitalism. Whether tenants or mortgaged owners, they are exploited for the benefit of landlords and bankers, of the transportation companies, of speculators and commission houses, and other capitalistic interests which stand between them and the consumers of their produce. In the present crisis millions of them are being brought to misery and despair.

American agriculture as now constituted faces a new menace in the giant farms, equipped with costly machinery and operated like factories, whose competition threatens more and more to drive the individual farmer to the wall. If the producers of the people's food are not to be reduced either to peonage or to wage slavery,



this technical revolution must be socially controlled so that its benefits shall go to the workers on the land and not to agricultural capitalists; and meanwhile the individual farmers must be protected from the sufferings which unbridled competition brings upon them.

The only hope for the farmers is in the intelligent use of their own organized power, on both the economic and the political field, and in harmonious cooperation with the workers in industry and trade similarly organized.

As the main features in a great program for farm relief and reconstruction, this continental congress urges the following demands:

1. We demand prompt and adequate relief for the men, women, and children still on the farms or already driven from the land, as well as for the unemployed wage workers, who through no fault of their own are today suffering for lack of food, clothing, and shelter; such relief not to carry with it the stigmas of so-called "charity", but to be given as a measure of social justice and decency, and to be economically and humanely administered through committees of farmers and industrial workers.

2. We demand that evictions, foreclosures, and forced sales on workers' homes and on farms worked by their occupants be stopped during the continuance of the depression.

3. We demand the reorganization of the system of taxation in the States, cities, and counties, so as to exempt homes and farms up to the amount of \$5,000 assessed valuation, and so as to increase the revenue from graduated taxes on incomes and inheritances.

4. We demand the encouragement by suitable legislation, by educational service, and when needful by public credit of bona fide farmers for marketing produce and for buying farm supplies and other commodities and of cooperative purchasing societies among the urban consumers, eliminating the economic waste involved in the profit system of distribution and thereby benefiting both producers and consumers.

5. We demand the national ownership and operation under democratic control of services utilized by the farming population, such as electric power plants, railroads, warehouses and storage plants, packing houses, establishments for the manufacture of farm machinery, to the end that the farmers may get such services at cost, instead of providing profits for capitalists.

The interests of the two great producing and exploited elements of our population, the wage workers and the working farmers, if not identical at every point, are in any broad view interdependent. Injury to either one injures the other. The poverty of the farmers is driving vast numbers of men and women from the field to the factory to compete in an already over-crowded labor market; and at the same time it compels the farmers to limit their purchases of industrial products, thus increasing unemployment in industry. On the other hand, disemployment of wage workers and the lowering of wages of workers for those who still have jobs is cutting down the market for foodstuffs and other farm produce. The two elements must learn to work whole-heartedly together for their common interests.

The continental congress calls upon the workers on the land and the workers in trade and industry through their various organizations to concentrate all their forces at this critical moment in an irresistible drive for two immediate aims—for the stoppage of evictions and foreclosures and the liberation of the farmers from their killing burdens of interest-bearing debt, as set forth above; and

For the Nation-wide establishment of this 30-hour workweek in trade and industry, to the end that millions of the unemployed may be given jobs and that the workingman may be able, through organized effort, to increase his weekly wages and thus enable him to buy the goods which the farmers produce.

Wage earners, come to the farmers' aid; working farmers, help the wage earners in their struggle for a decent existence.

Let no one sow the seeds of discord between us. Divided, both of our classes go down to defeat. United, no power can resist our just demands.

The committee on organization and continuation submitted the following resolution as a partial report from the committee:

Whereas, in brutal disregard of the fundamental rights guaranteed by the Declaration of Independence, the Governor of Iowa has placed a portion of that State under martial law; and

Whereas, as a result of this flagrant abuse of authority, hundreds of farmers are at the present time being hounded by the military forces and are being denied the right of trial in civil courts; and, further,

Whereas the events which led up to this reign of terror can in no sense be blamed upon the farmers themselves but rather upon recent economic conditions,

Now, therefore, we, the workers and farmers of America in continental congress, assembled at Washington, May 6 and 7, 1933, do hereby

*Resolve:* 1. That, in view of the overwhelming emergency, this congress shall immediately set up a continuing committee of five, accountable to the national committee on correspondence and action, to cooperate with militant farmers now subjected to martial law by offering them legal and financial aid.

2. That this congress recommends support of the work of this committee to all of its constituent bodies.

3. That the continuing committee of five shall consist of David Feliz, Philadelphia; Carl Whitehead, Denver; Clarence Senior, Chicago; Joseph Schlossberg, New York; and Robert Miller, Underwood, Minn.

*The following are a few of the resolutions presented by the committee on foreign relations and adopted*

#### RECOGNITION OF THE SOVIET UNION

We demand immediate recognition by our Government of the Union of Socialist Soviet Republics. We warn the people of the United States against the continuous propaganda campaign being waged on the Soviet Government of Russia.

#### REPEAL DISCRIMINATORY IMMIGRATION ACTS

We demand immediate repeal of all legislation restricting immigration which is aimed to discriminate against particular races or nationalities.

*The committee on civil liberties and race prejudice presented several resolutions*

#### TOM MOONEY

Whereas Tom Mooney and Warren Billings have already served 17 years in prison on charges proven false; and

Whereas two Federal investigations have further proven their innocence: Be it

*Resolved,* That this continental congress demand the immediate and unconditional release of these victims of the miscarriage of justice imposed by the ruling class of California, and we demand the publication of the Wickersham Report; and be it further

*Resolved,* That this continental congress goes on record in affirming our faith in the innocence of Tom Mooney and Warren Billings, and that the following message be sent to Mooney and Billings:

"The continental congress on Economic Reconstruction reiterates a strong belief in your innocence and your loyalty to the workers of America, and will continue the struggle for your liberation and restoration of your civil rights."

#### SCOTTSBORO

Whereas eight Negro boys in Alabama face the death penalty for crimes of which all the evidence submitted has proven their unmistakable innocence; and further

Whereas the fourteenth and fifteenth amendments of the United States Constitution were flagrantly violated by the exclusion of Negroes from the jury before which these boys were tried: Be it

*Resolved,* That the continental congress demand that these eight boys be released, or if they are again tried that the jury include qualified members of the Negro race and be given those rights and privileges guaranteed by the United States Constitution.

#### NEGRO RIGHTS

Whereas the Negro worker is still especially the victim of untold injustice, social, political and economic, and after 70-odd years of so-called "freedom", Negroes are still being lynched and segregated, denied equal educational facilities, and in the South especially, they are being taxed and governed without the right to participate in government: Therefore be it

*Resolved,* That this congress places itself on record as demanding for the Negro complete equality of opportunity with all other citizens. We demand also the education and enfranchisement of the Negro in the South; the abolition of "Jimcrowism" and segregation in Federal departments at Washington, D.C., in schools and in all public conveyances under the supervision of the Interstate Commerce Commission; and the right of Negro citizens to sit upon juries. We demand also the enactment of a Federal anti-lynching bill.

This congress condemns any and all forms of discrimination practiced against Negro workers by units of the organized labor movement and we call upon all workers irrespective of creed or racial differences to unite on the basis of their economic interests to free themselves.

#### MINERS

Whereas the coal miners in Illinois, Indiana, Tennessee, Kentucky, West Virginia, and other States have in many cases been reduced to a state of slavery. Whereas, every known instrument of the ruling class has been used to destroy the rights of miners and maintain the power of the coal companies to exploit and enslave them. Therefore, the alliance of the State and the coal companies must be brought to an immediate end. We condemn the use of the State militia and the private police in the suppression of civil liberties, and we petition the people to fight for the abolition of these agencies which are used in the interests of the owning classes.

#### FASCISM

As the capitalist system lumbers onward to its final destruction the tendency on the part of the capitalist state is to turn its back upon democratic institutions. We note in this respect the appearance of fascism in every county where the workers are definitely reaching out for power. The dictatorship as seen in the coal and iron police, the postponement of elections in Indiana, the militarization of the reforestation camps, and martial law as declared by the Governor of Iowa tend toward a fascist dictatorship. Fascism is also evidenced in the manner of the distribution of unemployed-relief funds by various States, as—

1. The jailing of men in South Bend, Ind., who refused to work for a basket of groceries and who held out for cash payment instead.

2. The ultimatum delivered the unemployed of Greensboro, N.C., by the Governor's committee of relief that unless they ceased their agitation for an investigation of relief distribution, "no more relief would be forthcoming."

Here follows a report of the committee on taxation, money, and banking:

#### RESOLUTION ON TAXATION

Whereas the economic program of the Continental Congress will require large sums of money;

Whereas the rich of the United States have never been adequately taxed through progressive income and inheritance and gift taxation;

Whereas the United States by applying higher rates for such taxes would be able to raise several additional billion dollars in revenues, provided tax evasion by the rich is ended through more rigorous and honest administration coupled with legal changes abolishing tax-exempt securities and other devices such as deducting security losses from income;

Whereas all income over \$25,000 a year shall be taken by the Government at a time when millions of Americans have no income at all: Therefore be it

*Resolved*, That the continental congress demands greatly increased income, inheritance, and gift taxation in the United States, and that in addition all income above \$25,000 a year be recaptured by the Government; furthermore be it

*Resolved*, That the continental congress opposes all sales taxes, which places the burden upon the poor, as contrasted with our taxation program, which secures needed revenue from the wealthy; and be it further

*Resolved*, That we demand that under no circumstances shall any worker or working farmer be deprived of the right to the use of his necessary tools or the home which he occupies because of nonpayment of property taxes since the beginning of this depression, or as long as this depression shall last; and be it further

*Resolved*, That this continental congress endorse the principle of the capital levy on wealth.

#### RESOLUTION ON BANKING

Whereas the private banking system of the United States has failed in its fundamental functions of providing safety for the people's money and adequate credit for industry;

Whereas 9,000 banks have closed during the depression, with a loss of many billion dollars to depositors;

Whereas the big banks of the Nation have become dictators of industry, agriculture, and Government and have forced wage cuts and lay-offs as the price for credit; and

Whereas they have even dictated the amount of wages that our cities and States shall pay to their employees, the amount of relief for the unemployed, and whether or not farmers or workers shall have a place to sleep and grow food: Therefore be it

*Resolved*, That the continental congress demands that the Government take over all of the banks and operate them as a national banking system with separate divisions for savings accounts and commercial accounts, so that we can use the people's credit to control and socialize industry, commerce, and transportation, to finance farmers and small-home owners instead of stock-exchange gamblers and gamblers in commodities.

And whereas the safest bank in the United States has been the Postal Savings System, in which the people have implicit confidence as evidenced by the fact that Postal Savings deposits have increased more than 600 percent in the past 3 years: Therefore be it further

*Resolved*, That pending socialization of the banking system we favor legislation to empower the Postal Savings System to receive unlimited deposits and to provide a checking-account service and to invest its funds without limit in Government bonds.

#### RESOLUTION ON INFLATION

Whereas the first result of the inflation of money was to benefit middlemen, speculators, and gamblers in farm and other products and to reduce the purchasing power of wages; and

Whereas the only reason for inflating the currency should be to improve the standard of living of the producing masses;

We therefore demand that any scheme of inflation should start by inflating wages and the prices received by the farmers for farm products; and

We therefore condemn as unsound and unjust any attempts to inflate prices to the consumers first, while merely hoping that wages will go up afterward, and that the farmers will be able to get higher prices from the middlemen and the gamblers in farm commodities.

#### A RESOLUTION WAS PASSED FAVORING THE 30-HOUR WEEK AND A MINIMUM WAGE

The present depression is but one link in a long chain of panics, crises, and depressions which began at the beginning of this Republic. It is clear that such panics, crises, and depressions are no accidents, but are inherent in the economic system which is based on exploitation of man by man, wage-workers by the employers of labor. We therefore express our gratitude to this Congress for having declared itself in favor of the nationalization of industries. That alone will put an end to the industrial misrule which is responsible for low wages, child labor, and mass unemployment.

Among the measures vitally needed for the immediate relief of the many millions of unemployed and underemployed workers is legislation for the 30-hour working week and a minimum wage; the former in order to absorb as many as possible of the totally

unemployed workers; the latter in order to set the limit for the arbitrariness of the employers in forcing down wage levels. The continental congress therefore goes on record as urging the United States Congress to promptly enact such legislation.

The continental congress hereby directs its chairman to communicate this demand for legislation to the President of the United States by telegram, letter, or in person; also to the Presiding Officers of the United States Senate and the House of Representatives.

The continental congress calls upon all affiliated bodies, as well as other labor and farmer organizations throughout the Nation, to urge the Representatives and Senators from the various districts and States, preferably by telegram, to vote for such legislation, and also to carry on vigorous propaganda until such legislation is obtained.

I wish to call especial attention to the declaration of independence adopted by the delegates:

#### Declaration of Independence

More than 150 years ago our forefathers proclaimed in the Declaration of Independence that the supreme function of government is to make secure for men their inalienable right to life, to liberty, and the pursuit of happiness.

Moreover, the fathers declared that "Whenever any form of government becomes destructive of these ends it is the right of the people to alter or abolish it and to institute a new government, laying its foundations on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

Such are the two basic principles of human liberty and genuine Americanism laid down by the founders of this Republic.

It has now come to pass that there has grown up in this Nation a system of business, industry, and finance which has enthroned economic kings and financial barons over our lives vastly more powerful, more irresponsible, and more dangerous to human rights than the political kings whom the fathers overthrew in our American Revolution of 1776. These economic rulers now have such absolute control over the economic life of the people as to threaten the very foundation of this Republic.

Under this system of production for private profit these rulers have created conditions that are intolerable.

They have drawn billions in profit, rent, and interest; and they have slashed our wages and the prices of our farm products.

They have used the marvels of the machine age not to lift the burden of toil from our shoulders, but to speed us up beyond human endurance, and to throw us jobless upon the streets.

They have taken the products of our labor, and not paid us enough to buy back the goods we have produced.

They have wasted our natural, technical, and human resources, and led us into ever more tragic periods of industrial chaos.

They have mortgaged our farms, and then sold them from under us.

They have lived in mansions, and evicted us from our homes.

They have led us to trust in their banks, and then have stolen our savings.

They have invaded our civil liberties, and thrown our leaders into jail.

They have intrenched themselves in power by controlling the schools, the press, and the Government.

They have spent millions on bombs and battleships while we have gone cold and hungry.

They have forced us to bleed and die in defense of their loans and markets abroad and to kill our fellow workers in other countries.

They have done these things as part and parcel of a profit system which places the few in control of gigantic monopolies and puts profit above human life.

Since the first Declaration of Independence the American people have discovered and created the means for unheard-of wealth. Wide rivers have been tamed to provide electric power; huge mountains have been tunneled to give ore for the creation of new and marvelous machines; and the prairies have been made to yield rich crops. Man's power to produce wealth has been increased a hundredfold until now a life of security and abundance is possible for all.

But today the Nation starves in the midst of plenty. The gigantic machines stand idle; the crops lie in warehouses or rot in fields.

The system is collapsing before our very eyes. It is destroying itself with a destruction that threatens the historic gains of human rights and the achievements of human civilization. It is for us, workers and farmers of America, to build now a new economic system of justice and freedom. Only through our organized power can mankind be freed from the crushing and needless bonds of poverty and insecurity.

We, the representatives of workers' and farmers' organizations, in continental congress assembled, call upon all those who toil to organize to achieve one supreme aim, a new economic system based upon the principles of cooperation, public ownership, and democratic management, in which the planlessness, the waste, and the exploitation of our present order shall be eliminated and in which the natural resources and the basic industries of the country shall be planned and operated for the common good.

Farmers and workers of America, the wealth and knowledge of 150 years of achievement are at our command if we will organize for power. We shall not starve in the midst of plenty. We are the majority. Workers and farmers everywhere unite. Agitate, educate, organize. We have a world to win.



The Members of the Seventy-third Congress are not all in accord with these principles set forth. No congress or convention ever assembled that could satisfy us all. The progressives, laborers, and farmers of this Congress were in dead earnest. I had the pleasure to meet some 35 delegates from Minnesota who did me the honor to come to my office. They presented their views to seven Minnesota Congressmen there, in an all-morning session, and while there was some discussion and some disagreement, all went away refreshed in mind and inspired in spirit to fight a better fight for America and all her children.

The principles involved in these resolutions and the declaration of independence adopted by the continental congress of 1933 are in the main in keeping with the platform of the Farmer-Labor Party of Minnesota upon which I was elected to Congress. I cannot speak for my colleagues. They are able and distinguished gentlemen and can speak for themselves. They must chart their own course. As for myself, I will fight the good fight. I will keep the faith.

#### FEDERAL CONTROL OF INDUSTRY

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes on the proposal to federalize business, that has been before the House Committee on Labor for several days.

#### ORDER OF BUSINESS AND HOUR OF MEETING TOMORROW

Mr. WOODRUM. Mr. Speaker, reserving the right to object and I shall not, I wish to ask the gentleman from Tennessee a question on the order of procedure. As I understand, it is the purpose of the leadership to call up tomorrow the rule, if a rule is granted, on the farm bill conference report and on the Muscle Shoals bill. If this be true, the Appropriations Committee would have very much to take up the independent offices appropriation bill and have other matters which will naturally consume considerable time, come right in the middle of the consideration of this bill. It is a very important piece of legislation in which the Membership of the House generally is interested. So I was hoping we might have an understanding that following these two rules tomorrow, if the rules are granted, we might proceed with the consideration of the independent offices bill.

Mr. BYRNS. I may say in addition to what the gentleman has stated that there is a conference report on the unemployment bill on the Speaker's table. I do not see the gentleman from Alabama present at the moment, but I think it is the purpose to call that up and have it disposed of.

Mr. SNELL. When is the gentleman going to call up that report?

Mr. BYRNS. If the gentleman is ready, I should like for him to have the opportunity to call it up at the conclusion of the remarks of the gentleman from Georgia [Mr. Cox], and dispose of it today.

Mr. SNELL. And that will be all that will come before the House today?

Mr. BYRNS. If the request of the gentleman from Georgia is granted, and I hope it will be, I should think that would be all.

Mr. SNELL. There would be nothing else this afternoon?

Mr. BYRNS. But I hope the House will consent to meet at 11 o'clock tomorrow morning so we can get rid of some of these rules and get as far along as we can with the consideration of the appropriation bill, with a view to recessing over the week-end if something else does not intervene.

Mr. SNELL. As far as I am concerned, I would not want to raise any objection to meeting at any time the gentleman desires, provided it is absolutely necessary in the transaction of the business of the House; but if we have no business to keep us going all the time, I do not see any need of it.

Mr. BYRNS. I could not say to the gentleman it is absolutely necessary to meet at 11 o'clock.

Mr. SNELL. Whenever the gentleman thinks it is necessary, we will agree to it.

Mr. BYRNS. My only idea was that having all this business before us, there is a possibility we might conclude the

business of the week in time to take an adjournment over Saturday. However, I do not want to be in the attitude of promising this now, because the railroad bill or something else may come in to prevent it.

Mr. SNELL. When we adjourn this afternoon, if the gentleman announces his program and shows what he wants to do, I do not believe there will be any special objection to meeting any time the gentleman desires.

Mr. BYRNS. Mr. Speaker, I now ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that when the House adjourns today, it adjourn to meet at 11 o'clock tomorrow. Is there objection?

There was no objection.

Mr. BYRNS. Mr. Speaker, I now ask unanimous consent that the Rules Committee may have until 12 o'clock tonight to file such reports as it may have ready.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. WOODRUM. Mr. Speaker, can it be understood, subject, of course, to emergencies, that following the special matters that may be ready for consideration tomorrow the Appropriations Committee may have the right of way to complete this bill?

Mr. BYRNS. I know of nothing to the contrary.

Mr. SNELL. And there will be nothing else, outside of the speech of the gentleman from Georgia, this afternoon.

Mr. BYRNS. Not unless this conference report is taken up.

Mr. SNELL. The gentleman from Alabama may want to call up the conference report today.

Mr. BYRNS. Yes.

#### FEDERAL CONTROL OF INDUSTRY

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. Cox] to address the House for 30 minutes on the subject referred to?

There was no objection.

Mr. COX. Mr. Speaker, I asked for this time in order to discuss the proposed Federal wage, hour, and industry control legislation now pending before the House Committee on Labor. While there has never been a time when I approached the discussion of any question with greater confidence in the correctness of the position I take, I proceed in this instance with full knowledge of the fact that I am probably running counter to the trend of present-day thought as to what constitutes proper legislative treatment of our social and economic problems.

The pending measure, however, is so far reacting in its effect upon the lives of the people, and upon our entire system of government that I feel justified in giving warning of the dangers to both that I believe to be involved in our rushing upon the shoals which I see ahead.

The first section of the bill provides:

That no article or commodity, except whole milk or cream, shall be shipped, transported, or delivered in interstate commerce which was produced or manufactured in any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment situated in the United States in which any worker (which term is hereby defined to exclude executive and managerial officials) was employed or permitted to work more than 30 hours in any one week or more than 6 hours in any one day, or was employed or permitted to work after he had been working there and elsewhere in such production or manufacture in the aggregate of 30 hours in any one week or more than 6 hours in any one day, except as hereafter provided.

The exception referred to is stated in the following language:

A worker may be employed for not more than 40 hours in any one week or more than 8 hours in any one day for aggregate of more than 10 weeks in any one calendar year, if an extraordinary need in any plant or industry can only be met by utilizing a longer workday or workweek, and if the existence of such an extraordinary need has been determined and permission to utilize a longer workday or workweek has been granted by an hours-of-work board established as hereinafter provided.

Section 2 sets up machinery for carrying out the provision of the act and provides that the Secretary at his discretion

shall have authority to appoint an hours-of-work board or boards for designated enterprises or industries which such board shall have authority to determine the need and to permit the utilization of a longer workday as provided in clause (a) of the first section of the act.

Section 3 contains the most astounding proposal for the delegation of unlimited power to an individual ever heard of in the history of any free government, and is as follows:

SEC. 3. If it shall be found by the Secretary of Labor after due investigation that the operation of any plant or plants or enterprise of the character described in section 1 of this act is disturbing and preventing a fair balance of production or unfair competition in interstate commerce by reason of excessively long periods of operation, and thereby causing extraordinary hardship to other plants or enterprises in said industry with consequent substantial injury to the general welfare, then and in that event the Secretary of Labor, upon publication of such a finding, shall be authorized to specify a limitation that should be imposed upon the total hours of operation of said plant or plants or enterprises so as to bring about a more equitable adjustment of production within said industry; and if, after due notice of such specified limitation has been served upon those affected, further operations are carried on contrary to and in excess of the specified limitation, no articles or commodities produced or manufactured in said operations shall be shipped, transported, or delivered in interstate commerce.

Section 4 is likewise an astounding and revolutionary proposal and extends the power of control beyond the point fixed by the first section of the bill and embraces all goods held for shipment in interstate or foreign commerce wherever produced or manufactured, and is as follows:

SEC. 4. The Secretary of Labor shall have full power and authority to investigate and to ascertain the wages and hours of work of workers employed in any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment, or any other place in which goods are produced, manufactured, or held for shipment in interstate or foreign commerce, and if the Secretary shall ascertain and publish a finding that because of the limitation of hours of work herein or otherwise provided, or for any other reason, a substantial number of the workers in any occupation in any such enterprise are not receiving a wage fairly and reasonably commensurate with the value of the services rendered or sufficient for the maintenance of a reasonable standard of living, the Secretary shall be authorized, and it shall be his duty, to appoint a wage board to determine and to recommend minimum fair wage rates for such workers. Such a wage board shall be composed of an equal number of representatives of (1) the employers and (2) the employees respectively interested and (3) the disinterested public.

Section 5 empowers a wage board to summon witnesses to administer oaths and compel the production of evidence.

Section 6 makes provision for the making of recommendations by a wage board as to minimum fair wage rates, and empowers the Secretary of Labor to publish such recommendations as a directory order establishing minimum fair wage rates for the workers in the occupation covered by such recommendations.

Section 7 provides that the Secretary of Labor upon finding that employers are not observing the requirements of a directory order issued under section 6 of the act, and shall find that such nonobservance constitutes unfair competition with other employers who are observing such directory order, and that such employers by such nonobservance are nullifying the purpose and intention of Congress to prevent unfair competition in interstate commerce, to relieve unemployment and destitution and to protect and promote the general welfare, shall be authorized to give notice of his intention to make such directory order a mandatory order, in which order the names of noncomplying employers may be published. Immunity from liability from suit for damages is provided for.

Section 8 makes final the determination of all questions of fact as may be made by the Secretary of Labor but does make subject to judicial review all findings on questions of law.

Section 9 gives to the Secretary of Labor or to anyone authorized to act for him, broad inquisitorial powers—the power to enter and inspect any place at any time where goods are produced or held for interstate or foreign commerce, to examine any and all books, records, pay rolls, to require the posting of the hours of work, and the keeping

of such time, wage, and other records as may, in his judgment, be necessary, and section 9 (c) empowers the Secretary to require all persons engaged in the production or manufacture of all articles or commodities described in section 1 of the act to certify to their compliance with the requirement of the act as a condition precedent to making such articles or commodities eligible for shipment in interstate or foreign commerce.

Section 10 provides for the imposing of penalty upon any person not complying with the act.

Mr. CARTER of California. Will the gentleman yield?

Mr. COX. I will yield to the gentleman.

Mr. CARTER of California. Is the gentleman a member of the Labor Committee?

Mr. COX. No; I am not.

Mr. CARTER of California. Are the sections to which the gentleman refers sections which have been prepared by the Labor Committee and the bill introduced?

Mr. COX. No; this is the proposal that the Labor Committee had before it upon which testimony was taken. I do not know what action the Labor Committee has taken or what action it proposes to take. I happen to know that the measure is before the Labor Committee, but I do not know what the committee will bring in in the way of legislation.

Mr. CARTER of California. Does the gentleman know whose proposal this was?

Mr. COX. I do not; except that the Secretary of Labor testified upon proposals embodied in the bill.

This measure has a threefold purpose—the control of production, the federalization of all business, and the fixing of wages, and as a means of accomplishing this purpose the commerce powers of the Constitution are invoked.

The Black bill that recently passed the Senate is virtually the same as the first section of this bill, and when Mr. Green, president of the American Federation of Labor, who is a profound student of our economic, industrial, and social problems and a gentleman of great charm and culture, was testifying before the Senate Committee on the Judiciary in January on the Black bill, he said:

The purpose of this proposed law is not to regulate interstate traffic. It is purely to limit the hours of labor.

If this view be accepted generally, and it is, then we start out with the admission that Congress is invited to do something which it has not the power to do; that is, limit the hours of labor, which is in no wise connected with traffic, and to do this under its power to regulate traffic.

The proposal brings up anew the question as to whether the Federal Government has general police powers over all matters both of a general and local nature that may be in the remotest degree related to interstate commerce. In recognition of the fact that this is not in law an open question, the distressful condition of business and the social ills of the people are set forth as constituting an emergency and therefore justification for the doing of an illegal thing in order to bring about, in part, a desirable result.

Congress is here urged to decree that constitutional government is incapable of serving the needs of the people and that our dual system is a failure. If it were within the power of Congress to adopt this measure and it should be sustained by the courts then that well-balanced division of powers between the States and the United States would be completely destroyed. All State sovereignty would have been swallowed up by the Federal power, and local self-government would be a thing of the past.

It has been through the strained construction of the commerce clause of the Constitution that the Federal Government has gone farthest in incroaching upon the reserved powers of the States, but the bar to this further advance is such as not to be passed at a cost of less than the destruction of the States.

Article 1, section 8, clause 3 of the Constitution is as follows:

The Congress shall have power—to regulate commerce with foreign nations and among the several States, and with the Indian tribes.



The tenth amendment to the Constitution reads:

The powers not delegated to the United States by the Constitution, nor prohibited by the States, are reserved to the States respectively, or to the people.

It is well to keep in mind those two provisions of the Constitution for both have a direct bearing upon the questions raised.

Commerce within the Federal Constitution and as applies to the questions we are discussing has been judicially defined as traffic and intercourse, embracing all commercial intercourse between the States, and all component parts of such intercourse.

That production and manufacture constitute no part of commerce has been held by all the courts in a long and unbroken line of decisions and admits of no doubt.

The production of sugar beets and the manufacture of sugar, the mining of coal, and the manufacture of cloth, all intended for interstate shipment, have been held to be no part of interstate commerce and therefore not subject to the control of Congress.

In the case of *United Mine Workers v. Coronado Coal Co.* (259 U.S. 344) the court held: Coal mining is not interstate commerce, and the power of Congress does not extend to its regulation as such.

And again, in *Oliver Iron Mining Co. v. Lord* (262 U.S. 172): Mining is not interstate commerce, but, like manufacturing, is a local business, subject to local regulation and taxation \* \* \*. Its character in that regard is intrinsic, is not affected by the intended use or disposal of the product, is not controlled by contractual engagements, and persists even though the business be conducted in close connection with interstate commerce.

Mr. WOODRUFF. Will the gentleman yield?

Mr. COX. I will yield.

Mr. WOODRUFF. It would be interesting to know whether or not the court, in passing upon the question which the gentleman has quoted, rendered a unanimous decision or were divided.

Mr. COX. In some of the cases I have quoted the opinions were unanimous. I will discuss where the court divided on the question of authority for the action which it is urged that Congress should take.

Mr. GLOVER. Will the gentleman yield?

Mr. COX. I yield.

Mr. GLOVER. I have many protests coming to me from various States. They say that if this bill is passed, a farmer having a bale of cotton, where he employed laborers more than 30 hours, that that bale of cotton could not be shipped in interstate commerce.

The measure as drawn and upon which testimony was taken would operate in just such a case as the gentleman has stated, provided there was a holding for shipment involved.

Mr. RAMSPECK. Oh, I do not think the gentleman wants to misstate the purpose of the bill. It could not affect the cotton gin, because the cotton gin does not produce anything.

Mr. COX. The cotton gin processes the cotton. Here is where the bill is broadened in section 4 to include "any other place in which goods are produced, manufactured, or held for shipment in interstate commerce." It is this language of the bill that might be under certain conditions made to apply to the case stated by the gentleman from Arkansas.

In *Anderson v. Ship Owners' Association* (273 U.S. 359) the Court said:

Neither the making of goods nor the mining of coal is commerce, and the fact that the things produced are afterward shipped or used in interstate commerce does not make their production a part of it.

In the case of *Champlin Refining Co. v. Corporation Commission* (286 U.S. 235) the effort was made to enjoin the Oklahoma Corporation Commission from putting into effect an order to prorate the production of oil in the State on the ground that it interfered with commerce, and deciding the case, the Court said:

Plaintiff contends that the act and proration order operate to burden interstate commerce in crude oil and its products in violation of the commerce clause. It is clear that the regulation prescribed and authorized by the act and the proration established by the commission apply only to production and not to sales or transportation of crude oil or its products. Such production is essentially a mining operation, and therefore is not a part of interstate commerce, even though the product obtained is intended to be and in fact is immediately shipped in such commerce.

A thing is not a part of interstate commerce because of its being made for shipment across State lines. It only becomes a part of commerce when introduced into transportation.

A case in point is that of *Delaware, Lackawanna & Western Railroad Co. v. Yurkonns* (278 U.S. 439), where a workman was injured in the shifting of a coal car which was being received for shipment out of the State. The Court held that the workman was a miner engaged in the preparation of this coal for shipment, that he was not engaged in interstate commerce, that the State laws attached, and could not be defeated by the contention that the man was engaged in interstate commerce because he was fixing the coal on that car.

What is here proposed is to extend the Federal power of control over any article or thing entering or intended to enter interstate commerce back to the beginning of its origin, and if to its origin then ultimately to its final consumption. This means that the Government steps in and takes control with the dumping of the first bucket of coal in the furnace of the miller or cotton spinner and it attaches until the product, if food, is in the stomachs of the consumers, or, if cloth, is upon the backs of the people.

To limit the application of the principle in first instance to mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment is not sufficient. It, of course, means that it shall be broadened to include every form of human endeavor. The growers of wheat, cotton, corn, potatoes, or anything else will fall under this despotic power of government that comes down from Washington the minute he sticks his plow into the ground. The hog raiser, the sheep and cattle grower, hand over to Washington the management of their business with the first feeding of their stock. The farm woman with her back-porch cannery becomes subject to the control of the law the minute she permits the house boy to work more than 6 hours per day or 5 days per week.

The advocates of this measure contend that it is within the power of Congress to do these things and that it is a proper and necessary exercise of such power. They base their contention upon the minority opinion of the Court in the case of *Hammer v. Dagenhart* (247 U.S. 277), decided January 3, 1918. The Court was here testing the constitutional validity of the act of Congress adopted September 1, 1916, which prohibited the shipment or delivery for shipment in interstate or foreign commerce of any article or commodity the product of any mill, mine, quarry, cannery, workshop, factory, or manufacturing establishment in which, within 30 days prior to the removal of such product, children under the age of 14 years had been employed or permitted to work, or children between the ages of 14 years and 16 years had been employed or permitted to work more than 8 hours in any one day.

The effort of Congress was to extend its power under the commerce clause to the point of preventing interstate traffic in articles or things produced or manufactured by anyone employing children under certain ages, and the purpose was to prevent child labor.

Mr. Justice Holmes, delivering the minority opinion in this case, in which Mr. Justice McKenna, Mr. Justice Brandeis, and Mr. Justice Clarke concurred, starts out with the broad proposition that the power to regulate includes the power to prohibit; but I respectfully submit that upon the authority of numerous decisions of the Court, including the majority opinion of the Court in this case, and as applied to commerce as a whole, this is not good law. The right to prohibit does apply in the sense that it may be used to protect and prevent commerce from being made an instrument of evil. The power of Congress to regulate foreign

commerce is not the same as its power to regulate commerce between the States. The distinction lies in the extent of that power growing out of the difference in the relation of the United States to the two kinds of commerce, and the difference in the right of the citizen and the foreigner to engage therein. As to foreign commerce, complete sovereignty is in the General Government, whereas, as relates to interstate commerce, it exercises only that portion of sovereignty as is specially delegated. The citizen has a right, while the foreigner enjoys a privilege.

The famous *Lottery case* (*Champion v. Ames*, 188 U.S. 321), cited by Mr. Justice Holmes as affording an instance where the court upheld an act of Congress shutting out of commerce altogether lottery tickets, purely harmless within themselves, had certain characteristics that gave them an exception to the general rule.

The court divided in this case, yet in upholding the act the court based its finding upon the inherent quality of illegality in the lottery tickets themselves. The same thing applies in every other instance where the right to regulate has been construed to include the right to prohibit.

While this minority decision concedes that the States may regulate their internal affairs and their domestic commerce as they like, yet it asserts that when they seek to send their products across the State line, they are no longer within their rights. But is this true? While the States cannot impress their will upon interstate commerce, they have the right to the use of its instrumentalities, subject to regulatory conditions that attach after the article has entered commerce, and not before. If their rights to traffic in State products were limited to the exercise of their police powers, the management and control of only that part of production and manufacture that is consumed domestically, then but little power would be left to them, for each State, by the nature of its location, soil, climate, natural resources, and the like, is compelled to specialize along certain lines. For instance, Texas, Georgia, Alabama, Mississippi, and others with their cotton; Florida and California with citrus fruit; North Carolina, Virginia, and Kentucky with tobacco; Kansas and others with their wheat; Iowa and Illinois with their corn; the New England States with their textiles; Pennsylvania and others with their coal and steel; and so on, including all the States. All produce for sale and use in other States, which make up interstate commerce, which Congress has the power to regulate.

If production and manufacture in all these things are to be brought under Federal control, then the States had as well surrender all sovereignty to the United States for Congress and the courts will have construed the delegation of a special power to mean the right in Congress to seize all power, and the tenth amendment will have become deadwood in the Constitution and might as well be thrown out.

Does anyone believe that such was the intent and purpose of the framers of the Constitution? If the planting of a seed in the ground, the sticking of an ax in a tree, the lifting of a stone from the ground, the working of more than 6 hours in any 1 day are to be prohibited, except done in accordance with the dictates of Washington, then liberty is dead in America and the people are but food for the ravenous man of government.

See the majority opinion of the Court in this *Dagenhart case*, delivered by Mr. Justice Day, in which the Court sustains the proposition that the States are sovereign in the exercise of all powers except those delegated to the United States; that the powers the people have delegated the General Government are named in the Constitution, and all not there named, either expressly or by necessary implication, are reserved to the people and can be exercised only by them, or upon further grant from them; that the powers of the States to regulate matters of internal police within their limits applies not only to the health, morals, and safety of the public but also to whatever promotes the public peace, comfort, and convenience; that production and manufacture is no part of interstate commerce and, therefore, not subject to Federal control; that the employment of labor is purely a matter for control of the States; that Congress has

no power to compel, either directly or indirectly, uniformity of legislation or legislation at all on the part of the States, and that to attempt to do so is to assume the exercise of a power which it does not have. In the majority opinion, and referring to the minority opinion of Mr. Justice Holmes and the cases cited by him, the Court said:

But it is insisted that adjudged cases in this Court establish the doctrine that the power to regulate given to Congress, incidentally the authority to prohibit the movement of ordinary commodities, and, therefore, the subject is not open for discussion. The cases demonstrate the contrary. They rest upon the character of governmental authority, State or National, possessed over them is such that the authority to prohibit as to them is but the assertion of the power to regulate.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended 10 or 15 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. McKEOWN. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. McKEOWN. What would the gentleman do to remedy the situation of the 12,000,000 men who are out of employment?

Mr. COX. Oh, surely there is within the genius of the people of this country some suggestion to make possible a proper dealing with those conditions rather than a destruction of the substantive law, the Constitution of the United States.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. BOLAND. Did I infer from the remarks of the gentleman from Georgia that he is against Congress fixing the minimum wage scale?

Mr. COX. Oh, of course. I submit it is not within the power of Congress to do anything of the kind.

Mr. BOLAND. Is the gentleman from Georgia aware of the fact that at the present in the State of Pennsylvania we have girls working for \$1 a week in factories and mills?

Mr. COX. That is a matter over which the State of Pennsylvania has control, and it is within the competency of the Legislature of the State of Pennsylvania to deal with that situation.

Mr. BOLAND. Does not the gentleman think that Congress should have the right to fix that?

Mr. COX. Not at all.

Mr. BOLAND. I disagree with the gentleman.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. MARTIN of Colorado. Does the gentleman recognize the need for this legislation, provided Congress has the power under the Constitution to enact it?

Mr. COX. I approve of the divide-the-work movement that is going on. I believe that employment which is now being given should be spread out as far as possible with corresponding improvement in wages, but I would never concede that to be within the power or that it ought to be within the power of the General Government to do any such thing.

Mr. MARTIN of Colorado. The reason I asked the gentleman that question is this: He has very ably raised the question of the constitutionality of this legislation. Substantially the same objection has been raised to the entire legislative program at this session of Congress. That being the case, I want to ask the gentleman if these objections do not fairly raise the question as to the flexibility of the Federal Constitution and its responsiveness to the needs of modern civilization?

Mr. COX. The courts have already dealt with situations created by legislation of a type similar to that to which I am directing my remarks, and in each and every instance the Court has held that it is not within the power of Congress to deal with it.



Mr. DOCKWEILER. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. DOCKWEILER. I have not yet made up my mind how I shall view this 30-hour-a-week matter myself, but I have listened very carefully to the gentleman's argument and want now to ask him a question. Does the gentleman not find that those cases he cites have drawn a sufficient distinction so that the Supreme Court could sustain this 30-hour a week law?

Mr. COX. No, they have not; but just to the contrary.

Mr. DOCKWEILER. Very well. That brings up another query. The gentleman's argument has been based almost entirely upon the Federal Government trying to go into the States and saying to an enterprise that it must not do this or that, but the Federal Government is only saying to the enterprise, If you do thus and so, you cannot ship that material or the fabricated goods across the line.

Mr. COX. The Federal Government has no right to lay down any such conditions to a sovereign State, compliance with which on the part of the States must be made before the States may use the instrumentalities of commerce.

Mr. DOCKWEILER. I am very much interested in the argument. Being a lawyer myself, I like to revel in such distinctions, but I have been more or less convinced by those same cases the gentleman cites, which I have read, that this law will be a good law.

Mr. COX. What case has the gentleman in mind?

Mr. DOCKWEILER. The child labor law.

Mr. COX. I shall deal with that a little later, if I may have the time.

Mr. DOCKWEILER. And the *Lottery case*.

Mr. COX. I have that.

Mr. DOCKWEILER. All those cases the gentleman cites lead me to the belief that this would be a good law.

Mr. LANZETTA. Mr. Speaker, will the gentleman yield?

Mr. COX. Yes.

Mr. LANZETTA. Is not this a time when States have been unable to cope with situations with which they have been confronted, as is witnessed by the farm bill, farmers' mortgage bill, and home owners' loan bill, which were recently passed?

Mr. COX. That may be true; and if so, it is to be regretted; but it is no justification for the States or the people coming here and asking Congress to trespass upon the sovereign rights of the people to the extent that they seize and exercise powers which are not granted under the Constitution.

Mr. LANZETTA. There is this justification: If Congress has been asked to step in and help the farmers and home owners, the people who are out of employment have a right to come to Congress and ask Congress to help them.

Mr. COX. There is no Member of this House who is more in sympathy with the people out of employment than myself. Provision must be made to take care of their needs, and I am willing to exercise the Federal power within the limitations fixed by the Constitution.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. COX. Yes; I yield.

Mr. COOPER of Ohio. I should like to say in reply to the gentleman from New York [Mr. LANZETTA], who said that the working people were coming here and asking for this, I attended the hearings of the Committee on Labor recently, and Mr. Matthew Woll made a very serious attack on this bill. He said it would make serfs out of the American workman; so I am not so sure that labor is asking for this.

Mr. MARTIN of Colorado. Not the 30-hour week.

Mr. COOPER of Ohio. The bill which the committee is considering right now.

Mr. MARTIN of Colorado. But his objection did not go to the 30-hour feature.

Mr. COX. It was to the minimum-wage provision.

Mr. COOPER of Ohio. It was to the minimum-wage provision and the power given the Secretary of Labor. That is all included in this bill.

Mr. MARTIN of Colorado. The 30-hour provision was the important thing.

Mr. RAMSPECK. Will the gentleman yield?

Mr. COX. I yield.

Mr. RAMSPECK. The hearings will disclose that Mr. Woll specifically stated he was in agreement with the position of President Green of the American Federation of Labor, and Mr. Green only opposed one provision of the Perkins' suggestion, which was the minimum-wage provision.

Mr. COOPER of Ohio. Well, if the gentleman will yield, I listened to Mr. Woll, and he made a bitter attack upon the bill from a half dozen angles.

Mr. RAMSPECK. If the gentleman will read the hearings he will see that I asked that question, and in answer to me he said he agreed with President Green.

Mr. BECK. Will the gentleman yield?

Mr. COX. Gladly.

Mr. BECK. The gentleman is making a most useful and illuminating address, if he will permit me to say so, and I only want, if I may, to supplement one of the gentleman's arguments. The point is made in the case of Hammer against Dagenhart that the Court was almost equally divided. The gentleman probably has in mind the case of Bailey against Drexel Furniture Co.

Mr. COX. That is right. There is the *North Carolina case*.

Mr. BECK. Where a much broader and sweeping governmental power than that covering commerce was used to regulate conditions in respect to child labor; and the Supreme Court, as I recall it, unanimously held there could be no such perversion of the taxing power.

Mr. COX. No. Mr. Justice Clark dissented, without opinion. However, two of the dissenting judges in the *Dagenhart case* did concur.

Mr. BECK. Is it not a fact that the taxing power is a far more sweeping and far more unregulated power, more fundamental to the Government, than the incidental power of regulation under the commerce clause?

Mr. COX. That is unquestionably true.

Mr. BECK. Is it not a fact that the taxing power was given with only two exceptions, and otherwise was apparently an unrestricted grant to the Federal Government, and is it not a fact that the Supreme Court, with only a justice dissenting, said that the taxing power could not be perverted to regulate conditions of industry or manufacture?

Mr. COX. The gentleman is correct in his statement, and I thank him.

The SPEAKER pro tempore (Mr. O'CONNOR). The time of the gentleman from Georgia has again expired.

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for 15 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. TARVER. Will the gentleman yield?

Mr. COX. I yield.

Mr. TARVER. It seems to be generally assumed by those interested in the passage of this proposed legislation that its enactment would relieve unemployment. I want to ask the gentleman whether or not in his opinion it might not have exactly the contrary result in many sections of the country and in many industries, and bring about conditions under which industries that are now operating successfully and keeping their employees employed would have to stop their operations entirely?

Mr. COX. This wage board which the act proposes to set up would have the power to shut down indefinitely the operations of any plant that produced for interstate shipment, and there are possibilities where the exercise of the power would mean a reduction of employment rather than its increase.

Mr. COOPER of Ohio. Will the gentleman yield once further for a short question?

Mr. COX. Yes; with pleasure.

Mr. COOPER of Ohio. I should like to ask the gentleman if he has given any consideration to making the provisions of this bill apply to foreign corporations; and if it is a good thing to pass the 30-hour week bill for labor in private industry, why should not Congress take the first step along that line by putting all Government employees under the 30-hour week and the 6-hour day? I read in the newspaper a day or so ago where a chauffeur for the Secretary of Labor left his job because she was working him 18 hours a day at the present time.

Mr. COX. Following the reading of the excerpt from Mr. Justice Day's decision in the *Dagenhart* case, referring to the dissent of Mr. Justice Holmes, the Court then proceeds to analyze the cases referred to and to illustrate the character of the particular subjects dealt with bringing them within the scope of the power of Congress to regulate commerce between the States. This case is so completely in point and controlling on the questions raised that I feel justified in quoting further.

Referring to the fact that the employment of child labor in one State may result in unfair competition to another State not permitting such labor, the Court said:

There is no power vested in Congress to require the States to exercise their police power so as to prevent possible unfair competition. Many causes may cooperate to give one State, by reason of local laws or conditions, an economic advantage over others. The commerce clause was not intended to give to Congress a general authority to equalize such conditions. In some of the States laws have been passed fixing minimum wages for women; in others the local law regulates the hours of women in various employments. Business done in such States may be at an economic disadvantage when compared with States that have no regulations; surely, this fact does not give Congress the power to deny transportation in interstate commerce to those who carry on business where the hours of labor and the rate of compensation for women have not been fixed by a standard in use in other States and approved by Congress.

The grant of power to Congress over the subject of interstate commerce was to enable it to regulate such commerce and not give it authority to control States in their exercise of the police power over local trade and manufacture.

The grant of authority over a purely Federal matter was not intended to destroy the local power always existing and carefully reserved to the States in the tenth amendment to the Constitution.

Police regulations of the internal trade and affairs of the States have been uniformly recognized as within such control.

And again the Court says:

That there should be limitations upon the right to employ children in mines and factories in the interest of their own and public welfare, all will admit. \* \* \* It may be desirable that such laws be uniform, but our Federal Government is one of enumerated powers. "This principle," declared Chief Justice Marshall in *McCulloch v. Maryland* (4 Wheat. 316), is universally admitted. \* \* \* In interpreting the Constitution it must never be forgotten that the Nation is made up of States to which are intrusted the powers of local government. And to them and to the people the powers not expressly delegated to the National Government are reserved. *Lane County v. Oregon* (7 Wall. 71). The power of the States to regulate their purely internal affairs by such laws as seem wise to the local authority is inherent and has never been surrendered to the General Government. \* \* \* To sustain this statute would not, in our judgment, be the lawful exertion of congressional authority over interstate commerce but would sanction an invasion by the Federal power of the control of a matter purely local in its character, and over which no authority has been delegated to Congress in conferring the power to regulate commerce among the States.

Following the decision of the Supreme Court in *Hammer* against *Dagenhart*, holding unconstitutional the act of Congress of 1916 regulating child labor through denying the right of any product of any producer named in the act in whose plants child labor had been employed to enter interstate commerce, Congress in February 1919 adopted another measure in which the same thing was sought to be accomplished, but in a different manner.

In this act Congress sought to impose a tax on the employment of child labor and provided that any mine or quarry—any mill, cannery, workshop, or factory in which children under the age of 14 years have been employed or permitted to work—shall pay for such taxable year an excise equivalent to 10 percent of the entire net profits received or accrued for such year from the sale or disposition of the products of his mine or other establishment.

In 1921, Bailey, United States collector of internal revenue for North Carolina, under authority of this act, made demand upon the Drexel Furniture Co. for a tax alleged to have accrued for 1919 for having employed a boy in its factory under 14 years of age. The company admitted the employment of the boy, paid the tax under protest, and brought suit to recover it, alleging that the tax was illegal because collected under a statute that was unconstitutional. The case was decided by the Supreme Court May 15, 1922 (*Bailey, Collector, etc., v. Drexel Furniture Co.*, 259 U.S. 20), and the decision of the Court was announced by Mr. Chief Justice Taft.

Between 1916, when the *Dagenhart* case was decided and 1922 when this case came up, Chief Justice White had passed on and Mr. Taft had taken his place. The decision in this case was put squarely upon the majority opinion in the *Dagenhart* case, and was concurred in by three of the judges dissented in the *Dagenhart* case, only Mr. Justice Clarke having dissented without opinion.

The attempt by Congress in this instance was the same as in the previous case; that is, regulate the use of child labor, a purely State function, and to do so through the use of the taxing power. In both cases Congress sought to do by indirect means that which it had no power to do directly, the use of a power to accomplish one purpose that was granted for an entirely different purpose; and here, as before, the attempt was to cure an evil which only the States can treat. In this case the Court said:

It is the high duty of this Court in cases regularly brought to its bar to decline to recognize or enforce seeming laws of Congress dealing with subjects not intrusted to Congress, but left or committed by the supreme law of the land to the control of the States. We cannot avoid the duty, even though it require us to refuse to give effect to legislation designed to promote the highest good. The good sought in unconstitutional legislation is an insidious feature, because it leads citizens and legislators of good purpose to promote it without thought of the serious breach it will make in the ark of our covenant or the harm which will come from breaking down recognized standards. In the maintenance of local self-government, on the one hand, and the national power, on the other, our country has been able to endure and prosper for near a century and a half.

The Court further said:

Grant the validity of this law and all that Congress would need to do hereafter, in seeking to take over to its control any one of the great number of subjects of public interest, jurisdiction of which the States have never parted with and which are reserved to them by the tenth amendment, would be to enact a detailed measure of complete regulation of the subject and enforce it by a so-called "tax" upon departure from it. To give such magic to the word "tax" would be to break down all constitutional limitation of the powers of Congress and completely wipe out the sovereignty of the States.

And again the Court said:

The case before us cannot be distinguished from that of *Hammer v. Dagenhart* (247 U.S. 251). Congress there enacted a law to prohibit transportation in interstate commerce of goods made at a factory in which there was employment of children within the same ages and for the same number of hours per day and days in a week as are penalized by the act in this case. In the case at bar, Congress—in the name of a tax which on the face of the act is a penalty—seeks to do the same thing, and the effort must be equally futile. The authority of the *Dagenhart* case is clear. The congressional power over interstate commerce is, within its proper scope, just as complete and unlimited as the congressional power to tax, and the legislative motive in its exercise is just as free from judicial suspicion and inquiry. Yet when Congress threatens to stop interstate commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a State in order to coerce them into compliance with Congress' regulation of State concerns, the Court said that this was not in fact a regulation of interstate commerce, but rather that of State concerns, and was invalid. So here the so-called "tax" is a penalty to coerce people of a State to act as Congress wishes them to act in respect of a matter completely the business of the State government under the Federal Constitution.

Then the Court proceeds to discuss cases sustaining taxing measures pressed as having the effect or tendency of accomplishing purpose not directly within congressional power.

The minimum-wage feature of the proposal I will be compelled to omit from this discussion, but it will be gone into at a later date.



If I do not weary you, I should like to take up and discuss very briefly a few of the cases relied upon as sustaining the minority opinion in the *Dagenhart case*; that is, that regulation may take the form of prohibition.

In the case of *In re Rahrer* (140 U.S. 545), there arose the question of the validity of the prohibition law of the State of Kansas as applied to liquor in original packages shipped in from another State and the constitutionality of the act of Congress exempting such liquors of immunity because of their interstate character upon being introduced into a State that had adopted such laws in the exercise of their police powers.

The Court held that State jurisdiction attached not by virtue of the law of Congress but because of its effect in placing the liquor where State jurisdiction could attach. In other words, Congress conferred no power upon the States not already possessed, "but allowed imported property to fall at once upon arrival within the local jurisdiction." Distinction was drawn between State police powers and Federal commercial powers, the Court saying:

Though quite distinguishable when they do not approach each other, may yet, like the intervening colors between white and black, approach so nearly as to perplex the understanding, as colors perplex the vision in marking the distinction between them.

The effect of the decision was to hold that because the article was prohibited in the State of Kansas and by virtue of the act of Congress withdrawing Federal protection, it no longer belonged to commerce after coming to rest in the State in which it was an outlaw.

The case is so full of good State-rights doctrine and fine reasoning that I commend its study to those interested in the subject.

In the *Lottery case* (188 U.S. 321), the Court simply held that lottery tickets are things of value; they represent the chance for large prizes; that they are subjects of traffic and therefore are subjects of commerce; and that the regulation of their carriage is a regulation of commerce among the several States.

The question was, Can regulation be carried to the point of prohibition? The Court again said that the character of the article and the nature of the traffic could not be overlooked; that the common forms of gambling are comparatively innocuous when placed in contrast with the wide-spread pestilence of lotteries that prey upon the hard earnings of the poor and plunders the ignorant and simple; that Congress had the power to keep the channels of commerce from becoming polluted by things determined to be injurious to the health or morals of the people, or as constituting a burden upon commerce. But let it again be said that Congress has not the power to close the channels of commerce to property of a lawful character, harmless in its nature, useful and necessary and subjects of barter and sale.

The feature of the "bad egg case", *Hipolite Co. v. United States* (220 U.S. 45), that gives it value as authority for the advocates of this measure was the holding of the Court as to the extent that an article can be pursued as still being in commerce after it has come to rest. This was a libel proceeding brought by the United States under the Pure Food Act against 50 cans of adulterated eggs shipped from the State of Missouri into the State of Illinois and brought while the eggs were still in original packages and in the hands of consignee. Section 10 of the act provides that if—any article of food that is adulterated and is being transported from one State to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, shall be liable to be proceeded against and seized for confiscation by a process of libel for condemnation.

The libel was resisted upon the ground that the court had no jurisdiction of the thing sought to be condemned, and cited *Warning v. The Mayor* (8 Wall. 110), in which the Court said:

When the importer sells the imported articles or otherwise mixes them with the general property of the States by breaking up the packages, the state of things changes, as was said by this court in the leading case, as the tax then finds the articles already incorporated with the mass of property by the act of the importer. Importers selling the imported articles in the original packages are shielded from any such State tax, but the privilege of exemp-

tion is not extended to the purchaser, as the merchandise, by the sale and delivery, loses its distinctive character as an import.

*Hoke v. United States* (227 U.S. 308) is the first case that arose under the White Slave Act, which outlawed the transportation of women and girls for immoral purposes.

The court held that—

While women are not articles of merchandise, the power of Congress to regulate their transportation in interstate commerce is the same, and it may prohibit such transportation if for immoral purposes.

That—

The right to be transported in interstate commerce is not a right to employ interstate transportation as a facility to do wrong, and Congress may prohibit such transportation to the extent of the White Slave Traffic Act of 1910.

I would like to deal more fully with this case and to analyze the other white-slave cases, the *Clark Distilling Co.*, the *Seven Cases of Eckman's Alternative case*, and others, but the time necessary for this is not at my disposal. Suffice it to say that in every instance it was because of the nature of the traffic that the power of Congress to deal therewith was upheld.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield.

Mr. MAY. I may suggest that my reading of the bill which the gentleman is discussing has convinced me that the vicious element of it is the fact that it undertakes by indirection to prohibit business, that is, by limiting the number of hours, by penalizing, by refusing shipment in interstate commerce; and secondly, by putting everybody who violates an order of the Secretary of Labor on a black list.

Mr. COX. That is true.

[Here the gavel fell.]

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, we must not lose sight of the fact that the Federal Union was built upon the States and that it is a government of delegated powers, that all powers not specially delegated are reserved to the States or the people, which fact is given emphasis in the tenth article of the amendment. If the powers delegated are not sufficient for Federal purposes, then the question of granting more should be submitted to the people in the form of amendments. To argue that our chief concern is in the doing of things without regard to how they are done is to rebel against the law and to seize powers that belong alone to the people.

The Federal Government is alone supreme in the exercise of the powers delegated to it. In all other respects and to the same degree the States are supreme, but back of all government is the sovereignty of the people, and into this field Congress cannot go without trespassing upon the sovereign rights of the people.

What becomes of the guaranties of the Constitution to the people to protect them in the enjoyment and use of their faculties in all lawful ways, to live and work where they will, to earn a livelihood by any lawful calling, and to enjoy in peace and security the fruits of their labor if Congress is to harness them up with all sorts of alleged legal restrictions and make them subject to the dictates of a single agent of the Government?

Mr. Speaker, what does this measure mean to the American people? If it alone operates to divide work without added costs to business and without slowing down operations, then the effect will be that those now employed will be required to provide support for the unemployed. This will lighten the load that charity is carrying, but it will not increase the purchasing power.

If it means that for 30 hours of work the laborer is to receive pay for 48 hours, and if production and manufacture is not to slow down the effect will be to increase manufacturing costs, which will be passed on to the consumer and reflected back on the producers of raw commodities. Those industries that enjoy monopolies and high-tariff subsidies

may carry on without difficulty, except that involved in higher consumer costs. But how will this work with those industries that enjoy no such advantage? How will it affect agriculture?

Take the cotton spinners, for illustration. They have no monopoly and can have none. They have no effective tariff subsidy. When their business is taken over by the Government, who sets up for them a wage scale, regulates hours of labor, stops operations to hold down production in the interest of price, operating costs are bound to rise, which must be made up in some way, and since they cannot be passed on to the buying public, due to the like of consumer demand, they can only be reflected back to the farmer in lower price for his already underpriced commodity. The same thing applies to the growers of wheat, corn, potatoes, peanuts, hogs, cattle, and all other farm commodities. This means a further disparity of price between what the farmer has to sell and that which he is compelled to buy. It means his eternal ruin.

The farmer who produces all these commodities for interstate shipment is made subject to the law under section 4 of the bill. He is not to be permitted to work his labor more than 30 hours per week, and the wage that he shall pay is to be fixed not by him but by the Government. He will be made to keep books and submit to examination, and if he fails to obey the orders that descend upon him from Washington he will be thrown in jail and made to do penal servitude.

Mr. DUNN. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield.

Mr. DUNN. Would the gentleman be in favor of a 6-hour day and a 5-day week if it would give employment to at least 5,000,000 men and women?

Mr. COX. Oh, not through having it fixed by the Federal Government; of course not.

Mr. DUNN. The question is, would the gentleman favor it if he were assured it would give that much additional employment?

Mr. COX. As a citizen of my State, if conditions demanded it, as they probably do, I, of course, might take that position in a case where the State sought to treat the problem as one within its own responsibility.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield.

Mr. MOTT. If instead of the specific bill the gentleman is discussing, discretionary power were granted to the President to fix the hours of labor and to fix minimum wages, would the gentleman favor it?

Mr. COX. If the grant carried with it the implication of the use of powers not delegated to Congress, I would resist it; but no one questions but that the President will use only in a constitutional manner such powers as have been and will be delegated to him. I am not afraid of the President, and therefore am not afraid to grant him broad powers.

Now, Mr. Speaker, if work hours and price of labor are to be fixed for one industry, then it must be fixed for all; and if price be fixed for all, then the price of the things that labor produces must be fixed, and price fixing means high prices. It is a form of guaranty of profit and is intended to defeat the law of supply and demand.

The measure takes no account of the difference in the conditions of men. One may have no obligations, no dependent, owe no debts, and be the owner of property, with money in the bank, and therefore under no compulsion to work more than 6 hours per day; while another may be penniless and homeless, with many dependents, and therefore driven by necessity to earn all that he can. As between the necessities of the two, the proposal makes no distinction.

What is to become of the lower-paid employee? What is to be the effect upon his life and that of his family when he is denied the right to work more than 6 hours per day and 5 days per week? What could be more intolerable to them, the farmer, the miller, and other small operator, indeed, for all, than for the Government to take charge of their business and their lives?

It may be insisted that this Federal control is not to be applied directly to the farmer; but how will it affect him? Let me illustrate: If it be expected that the earning power of the laborer is not to be cut down, that under the proposed law he will draw the same pay for a short day's work that he now draws for a long day's work, it will mean that the operating costs of the railroads will be increased three quarters of a billion dollars, which must be paid by the users of the services that the railroads render—and the farmer is a large user of these services. It means that rail transportation costs will go up, whereas they are already too high. A hundred or more such illustrations could be given. It means higher-priced farm implements and lower-priced cotton and all other crops.

Mr. Speaker, the measure does not come forth as a temporary remedy to take care of an emergency, but is proposed as a permanent policy of government. It proceeds upon the assumption that the depression is to continue as a permanent condition, whereas we must believe that the future holds for the people the promise of something better than penury and want.

Is this proposed law what the people want? Are they not entitled to something better than despotism? Must we destroy what it has taken more than a century and a half to build? Surely, Mr. Speaker, there is some saner and juster way of accomplishing that which must be done.

Mr. Speaker, nothing that Russia has done is worse than what is here proposed. This measure is the death warrant of all human liberty in America. It is to the people a denial of the right to live their lives in a fashion agreeable to their own will. It is madness without tuition or restraint. It is the jailhouse of reason, a snare and a delusion. In its every word and every line there is a dagger thrust at the best part of life, and if it should be enacted into law and be upheld by the courts it will prove to be the executioner of the liberties of the people. Mr. Speaker, I do not believe that such a measure will ever become law with the sanction of our great President. [Applause.]

#### FEDERAL EMERGENCY RELIEF

Mr. DRIVER, from the Committee on Rules, submitted the following resolution for printing under the rule, which was referred to the House Calendar and ordered printed:

#### House Resolution 135

*Resolved*, That upon the adoption of this resolution, the House shall proceed to the consideration of the conference report on the bill, H.R. 4606, and all points of order against said conference report shall be waived.

#### FEDERAL CONTROL OF INDUSTRY

Mr. MALONEY of Connecticut. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes, on the subject of the 30-hour week.

Mr. COCHRAN of Missouri. Mr. Speaker, since there is no real business before the House this afternoon I make the point of no quorum.

Mr. GOSS. Mr. Speaker, will not the gentleman withhold his point of no quorum? My colleague from Connecticut would like to discuss the 30-hour week bill a few minutes. I hope the gentleman from Missouri will not insist upon his point of no quorum.

Mr. COCHRAN of Missouri. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MALONEY of Connecticut. Mr. Speaker, I am very sorry that in the closing hour of this day I feel compelled to intrude upon your time by asking you to hear something more on this very important subject, but my conscience compels me, after hearing the very eloquent speech of the gentleman from Georgia, to burn just a little incense for the 15,000,000 people who are out of work. I am sorry I have not his gift of eloquence, that I cannot weave words into beautiful language as he did, and that I am not fully prepared to make a speech at this time on this particular subject; but I think it is fitting and proper on behalf of



those who look to us for relief that there be in the RECORD at this particular place something in defense of this all-important measure.

I am not a lawyer and I am not qualified to discuss the constitutional features of this particular bill, but I believe we have arrived at the time in the history of this country when we must give thought to the security of the Nation. I thought, as the gentleman from Georgia [Mr. Cox] spoke about the destruction of sovereign rights, that perhaps we would have no pure food law on the statute books now if the same sovereign rights of the States did apply. I am satisfied that if, in an earlier day, we needed the pure food law to protect the health and welfare of the people of this country then we need such a law a thousandfold now. While I would like to believe, as he does, that we should be permitted to work this thing out by the process of evolution rather than revolution, I think it is much less serious to tell a man how long he may work than to tell him he may not work at all. [Applause.]

I think most of the Members of this House have long since concluded that there can be no return of good times until the buying power of the Nation is restored. I think we have heard so much on the subject that the membership of this House fully appreciates that more than half of the buying power of this Nation at this moment is completely destroyed. If it is true—and I believe it is—that there are 15,000,000 people out of work, I doubt that anyone will disagree when I say that this represents half of the Nation's population. Half of the buying power of the population is completely destroyed, and the buying power of the other half, the half to which you gentlemen belong, has been very seriously impaired. People who are working, and professional men who are attending to the wants of those in misery, are not being paid. This buying power is steadily going downhill, and we know we cannot reconstruct this buying power until people return to work.

There are so many features to this all-important subject, so many things worthy of consideration, that they cannot be discussed in the brief time of 15 minutes, and I do not want to trespass upon your time too long now. If I had the time, and you had the time, I would like to discuss at great length the result of the inventive genius of the past 15 years.

Oh, I would like to see this thing work out as the distinguished gentleman from Georgia would have it work out. He said he did favor the shorter work plan. That is all this bill asks be done. The manufacturers of this country have staggered in the wilderness for the last 4 years. They have pursued a floundering philosophy. They have asked for and have agreed to share the work; but it fails to work, and as a last resort, Members of Congress who are concerned with the plight of these people have exerted their efforts and the kind of inventive genius they have, in an attempt to spread the rewards of the inventive genius that the manufacturing interests of this country have denied to the people who work.

Oh, there can be no return to good times until this inventive genius is divided. It does not belong to the manufacturers alone. It belongs to the people who work for them, to the farmers of this country, to the merchants, and others who make up the national structure, and until it is divided we cannot have good times.

Patiently, the people have waited, and I tell you, Mr. Speaker, no man in this House has been more closely face to face with the problems of unemployment than I have. I have been mayor of an industrial city since the beginning of this depression. I have heard the cries of misery and the moanings of hungry and anxious mothers and the appeals of weary and worried fathers, and I know we cannot delay too long the return of better times.

I know the staggering load being borne by the communities of this Nation because people cannot pay their taxes, and just so long as we delay a measure that would get people back to work, just so long do we threaten this entire structure that we are praying here to preserve.

Oh, I wish I had proper time for the preparation of a speech at this point on this particular subject. I hope you will not be swayed by these appeals to your constitutional

thought, by these emotional appeals about destroying the Constitution. There can be naught but destruction unless we get these people back to work, and whether they did it by accident or design the founders of this Nation so wrote the Constitution that it could be flexible, and, in my humble opinion, if this law does become effective and it goes to the Supreme Court of the United States, there will be a great surprise in store for those lawyers who say at this time that it is unconstitutional.

Mr. KVALE. Does not the gentleman believe that applies also to the child labor law which was declared unconstitutional some years ago?

Mr. MALONEY of Connecticut. I certainly do. I think there would be an entirely different decision on the part of the Supreme Court if they were called upon to decide that question at this time.

Mr. COX. What has happened to make the gentleman entertain that thought?

Mr. MALONEY of Connecticut. There has been a change in the membership for one thing, and conditions are considerably different now from what they were at that time. I think the Supreme Court would have a great concern for the situation of the Nation, because of the fact there are 15,000,000 people out of work now.

Mr. COOPER of Ohio. If the gentleman will permit, I am very much impressed with the splendid statement the gentleman from Connecticut is making and I know he is honest and sincere in this movement. I would like to ask the gentleman this question. I favor the principle of the shorter work week, and always have. Does not the gentleman believe that any legislation that is brought in here for a 30-hour week should apply to foreign imports?

Mr. MALONEY of Connecticut. I certainly do.

Mr. COOPER of Ohio. And does not the gentleman believe that if it is a good thing for private industry we ought to establish it in the Government institutions?

Mr. MALONEY of Connecticut. I certainly do.

Mr. McGUGIN. I am very much in accord with what the gentleman has said pertaining to reducing the hours of labor, but why is it necessary to bog down that simple proposition with all of this control of industry which is being brought into this bill? Why would it not be better to just bring in a bill providing for shortening the hours of labor without all this socialistic and Government control and domination of industry?

Mr. MALONEY of Connecticut. I am making an appeal for the principle of the regulation of working hours and not the bill in question.

Mr. McGUGIN. The gentleman and I are in full accord then.

Mr. MALONEY of Connecticut. Mr. Speaker, I thank you. [Applause.]

#### FARM RELIEF

Mr. GREENWOOD. Mr. Speaker, I present a privileged report from the Committee on Rules for printing.

The report was referred to the House Calendar and ordered to be printed.

The following is the resolution:

#### House Resolution 136

*Resolved*, That notwithstanding the previous action of the House relative to the conference report on the disagreeing votes of the two Houses on the bill H.R. 3835, immediately upon the adoption of this resolution the House shall consider said conference report without the intervention of points of order against the same.

Mr. NESBIT. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. NESBIT. Mr. Speaker and gentlemen of the House, I am not a lawyer, and therefore I have no legal mind. I have mind enough to know, however, and I feel that I am practical minded enough to know that you cannot feed hungry mouths with court decisions.

I also desire to state that if I understand the question being discussed here now we are merely talking on the

subject. There is no bill before the House at this time and there was no necessity for quoting all the different court decisions. The Labor Committee, of which I am a member, has not yet submitted a bill. We are working on that now and expect the bill to be reported later.

It must be evident to every Member of Congress that prompt and definite action on the part of this Congress is necessary to relieve our existing and serious situation regarding unemployment.

There are more people unemployed now than when this session convened, and according to the figures of the American Federation of Labor this idle army has risen to the enormous figure of 15,000,000. What a tragedy in a land of wealth and a land of plenty!

Our whole commercial, industrial, and economic structure seems to be hung up on a hook—a big, fat, strong hook. Manufacturers and industrialists are making no attempt to lift it off and put it back in working order. No one seems to be able to do anything about it except talk and hope and whine and scold.

In face of conditions as they are—with conditions getting worse—it surely behooves this body to act, and in a way that will be effective, constructive, and definite. Some constructive legislation has already been passed but more is needed, and needed now.

The people of this Nation are in the dumps. They are up a blind alley and are looking eagerly and with interest to this Congress to lead the way out. I speak of the great masses and not those referred to as the privileged few.

If someone had suggested a few years ago legislation for the banks of this country they would have resented it and rose in horror and protested against governmental interference with their affairs, but recently they came to the Government at Washington and asked Congress to save them from themselves. What is true about them is about to take place with the railroads, and what is true of the banks and the railroads is true of industry. They are lying prostrate and unable to straighten out the situation.

The latter have had their day in court and have failed. It is they who, in the main, are responsible for the distress and suffering which now stalk the land. So far as I am concerned the exploiters of labor and of the country's resources are going to get in line and cooperate with the Government in an honest endeavor to bring about some necessary adjustments. They continue to see the universe through a gimlet hole and blind themselves to the ever-growing unrest that is prevalent everywhere.

The pangs of hunger and want is a dangerous element in society. When it affects too many and lasts too long it usually causes trouble. The pages of history of this old world contain sufficient evidence for me (and should for every thinking American who stands for right and justice and a square deal) that to temporize longer with the conditions affecting the happiness and comforts and lives of millions of men, women, and children is, to say the least, bad business.

Anyone who cannot see the handwriting on the wall must be blind. Fifteen million unemployed—millions more working only part-time with wages on the downward trend is a gloomy picture. With their dependents added this brings us to a total number of approximately 40,000,000 of our citizens thus affected and without the bare necessities of life.

Mr. Speaker, this is not a depression. It is a catastrophe—horrible to depict and terrible indeed to mention. But it is here! What are we going to do about it? Vote for this bill when it comes to this House. It will help. It will go a long way toward relieving unemployment and distress.

We will have to either feed, fight, or get jobs for these people. I will not fight them. I know their wants and desires. I am for spreading the work and creating more jobs. That is what they need, that is what they want, and that is what they are entitled to. That is what this bill proposes to do.

We need not refer to radical writing to find clear and pronounced expression that our economic system is break-

ing down. Outstanding business men, economists, and statesmen of vision and understanding are becoming anxious and alarmed about the affairs and safety of our country. Not Trotskys and Lenins and Stalins, but American citizens in high places are sounding the warning.

Daniel Willard, president of the Baltimore & Ohio Railroad, told the Wharton School of Finance and Commerce some years ago that a system which permitted five or six million men to be out of work in a country bursting with wealth "can be said to have failed in at least one very important detail." Now we have millions more. It was Willard again, and no member of a proscribed order, who said that if he were one of the jobless in those circumstances he would steal before he would starve.

Robert S. Brookings, wealthy retired manufacturer, president emeritus of Washington University, of St. Louis, wrote in the St. Louis Post-Dispatch, in advocating a modified form of capitalism, that—

Our western civilization must vindicate its worth, if it is to endure.

And he added that it could vindicate its worth—

only by demonstrating its ability to correct its own defects and its consequent capacity for constructive development.

Prof. F. W. Taussig, of Harvard, sees—

control and power concentrated in a few hands to an ominous degree.

And Henry W. Anderson, conservative Virginia lawyer and a member of the Wickersham Commission, finds in his survey of the causes of crime that the American people, as an incident to the exploitation for private gain of one of the most fruitful areas of the world, have—

created the widest spread between the extremes of wealth and poverty existing in the western world.

Senator JAMES COUZENS, of Michigan, who helped to create the Ford Motor Co. and made a fortune out of it, sounds the warning:

People will not suffer indefinitely in the midst of plenty.

And Dr. L. D. Coffman, president of the University of Minnesota, declares that—

communism in its various forms will not be held at bay by negative actions.

Dr. Nicholas Murray Butler, president of Columbia University, asserts that we are passing through no ordinary depression but through a revolutionary period brought on by long-accumulating forces.

What the country needs—

He says—

is personalities who are not anxious, like the jockey, to keep their seat in politics, but who are willing to tell the people the truth and to guide them toward a constructive, a liberal, and a progressive solution of those vast problems.

Dean Wallace B. Donham, of the Harvard Graduate School of Business Administration, author of *Business Adrift*, said to a meeting of the Industrial Chamber of Commerce in Washington—

that if there were not sufficient brains and good will in the world to solve the problems of the depression, then our mass production, our scientific progress, our control over nature, may actually destroy civilization.

Charles G. Ross, political writer for the St. Louis Post-Dispatch, says:

Our general depression is home-made and fundamentally due to the maldistribution of wealth.

He goes on to say:

The 504 supermillionaires at the top of the heap in 1929 had an aggregate net income, for taxation purposes, of \$1,185,000,000. These 504 persons could have purchased with this income virtually the entire wheat and cotton crops of 1930—the two chief cash crops of the Nation, representing the labor of 1,300,000 wheat farmers and 1,032,000 cotton farmers.

Dr. George Knapp, of the railway men's newspaper, *Labor*, shows, from official statistics, that in comparison with the \$538,664,187 net income of the 85 wealthiest taxpayers in



1929, the 421,000 workers in the clothing industry received in wages \$475,318,677. In other words—

These 85 men could have paid the entire wage bill of the clothing industry and still have left for themselves about three quarters of a million apiece.

Federal legislation establishing the 6-hour day and the 5-day week in American industry is the new emancipation proclamation of American labor. Other adjustments to carry forward the high social purposes behind this legislation must come just as reconstruction and adjustment followed the freeing of the slaves.

Economic quackery, blind and prejudiced propaganda have aroused phantom fears in a few of our industrial leaders. In the midst of ruined lives, ruined business, and abundant wealth they would avert the avalanche of crucial events by blind devotion to the economic ritual of outworn Troy dogmas.

There are 15,000,000 willing American workers idle. Unemployment is increasing faster than the means of relief. We must face this situation constructively and fearlessly. We must do the thing that is needed. The alternative is to sit down and wait until the rising distress of the vast army of unemployed overwhelms our domestic tranquillity. We must take up the slack of unemployment.

Those who maintain that a reduced working day and a reduced working week will further decrease the individual's weekly total wage speak without knowledge of the history of the movement for increased leisure to workers.

The president of the American Federation of Labor, William Green, spoke with the authority of past accomplishments behind him when he told the House Committee on Labor that the establishment of the 5-day week and the 6-hour day would tend to increase wages rather than to diminish them. The movement for wage reduction during the current depression has proceeded regardless of the working hours in various industries. Many short-sighted manufacturers have mercilessly slashed wages, despite their pledges not to do so. The vast reservoir of the unemployed who are undernourished and desperate does more to depress wages than any other thing.

America awaits increased spending power. In the face of the abdication of private business, the Government must care for the collective wants of its people or else fail to justify its existence. "America has not lost its wealth", we are told in Al Smith's New Outlook for April. It has lost control over its wealth. How will that control be re-established? Not by a return to sweated labor; not by destroying labor's collective bargaining power. We must take the forward path, create the leisure which consumers need for the enjoyment of twentieth-century products, and create the purchasing power with which those products can be obtained. We live in the richest single community ever built and inhabited by man. Why should we stand helpless before this peril of plenty? Shall we bow down to the machine and fear to eat the manna which it provides? Shall we remain slaves of the things we have created, or shall we act as intelligent men?

Wage standards under the 8-hour day are far above the standards under the old 12-hour and 10-hour day. Both employers and employees have profited by the shorter working time; and even if temporarily this should fail to check the downward course of wages in its disastrous plunge, it will solidify labor and give it the backlog of security to support its demand for what has already been conceded by far-sighted employers who have already established the working conditions required in this new legislation. The 5-day week has been adopted by the Goodyear Tire & Rubber Co., the Standard Oil Co., and the great cereal manufacturers. They report that the workers have increased their efficiency and their total output and are earning the wages which others receive for longer working hours.

Special hardships which this might bring to farmers and certain industries dealing with perishables are eliminated in the exemption clauses of the bill. This legislation is part

of the "new deal." Those who oppose it most blindly today will benefit by its far-visioned philosophy. This is progress.

[Applause.]

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. NESBIT. Yes.

Mr. MOTT. I am in accord with everything the gentleman has said. I am for the bill, but I have heard some very distressing things in connection with it. I have heard it is not a part of the administration program, and that the administration is not in favor of it; that when the committee reports the bill into the House, the Democratic leadership will not allow it to be considered. Can the gentleman, as a member of the committee, give us some information on any of those three things?

Mr. NESBIT. I cannot give the gentleman any definite information on that matter.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BRUNNER, for today, on account of illness.

To Mr. AUF DER HEIDE, on account of death in family.

Mr. REED of New York, for 3 days, on account of illness.

To Mr. HANCOCK of North Carolina, for 2 days, on account of important official business.

To Mr. KENNEDY of New York, for the balance of the week, on account of illness.

#### ADJOURNMENT

Mr. BYRNS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and (at 4 o'clock and 34 minutes p.m.), in accordance with the order heretofore made, the House adjourned until tomorrow, Tuesday, May 9, 1933, at 11 o'clock a.m.

#### COMMITTEE HEARINGS

##### COMMITTEE ON IMMIGRATION AND NATURALIZATION

(Tuesday, May 9, 1933, 10 a.m.)

Hearing in the old Office Building, room 483, on House bill 3842 (the deportation of alien seamen) and other business.

#### EXECUTIVE COMMUNICATIONS, ETC.

59. Under clause 2 of rule XXIV, a letter from the Secretary of War, transmitting draft of a proposed bill for the relief of the D. F. Tyler Corporation and the Norfolk Dredging Co., both of Norfolk, Va., was taken from the Speaker's table and referred to the Committee on Claims.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WARREN: Committee on Accounts. House Resolution 132. Resolution authorizing the payment of the expenses of the Judiciary Committee in investigating the official conduct of James A. Lowell (Rept. No. 103). Ordered to be printed.

Mr. POU: Committee on Rules. House Resolution 131. Resolution providing for the consideration of H.R. 5081; without amendment (Rept. No. 104). Referred to the House Calendar.

Mr. SMITH of West Virginia: Committee on Mines and Mining. S. 7. An act providing for the suspension of annual assessment work on mining claims held by location in the United States and Alaska; without amendment (Rept. No. 105). Referred to the Committee of the Whole House on the state of the Union.

Mr. DRIVER: Committee on Rules. House Resolution 135. Resolution providing for the consideration of conference report on H.R. 4606. An act to provide for cooperation by the Federal Government with the several States and Territories and the District of Columbia in relieving the hardship and suffering caused by unemployment, and for other purposes; without amendment (Rept. No. 106). Referred to the House Calendar.

Mr. McFARLANE: Committee on Naval Affairs. S. 753. An act to confer the degree of bachelor of science upon graduates of the Naval Academy; without amendment (Rept. No. 107). Referred to the House Calendar.

Mr. GREENWOOD: Committee on Rules. House Resolution 136. Resolution providing for the consideration of conference report on H.R. 3835. An act to relieve the existing national economic emergency by increasing agricultural purchasing power; without amendment (Rept. No. 108). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H.R. 4870. A bill to extend the times for commencing and completing the construction of a bridge across Lake Sabine at or near Port Arthur, Tex.; with amendment (Rept. No. 109). Referred to the House Calendar.

Mr. BULWINKLE: Committee on Interstate and Foreign Commerce. H.R. 5152. A bill granting the consent of Congress to the State Highway Commission of Virginia to replace and maintain a bridge across Northwest River in Norfolk County, Va., on State Highway Route No. 27; with amendment (Rept. No. 110). Referred to the House Calendar.

Mr. BULWINKLE: Committee on Interstate and Foreign Commerce. H.R. 5173. A bill granting the consent of Congress to the State Highway Commission of Virginia to maintain a bridge already constructed to replace a weak structure in the same location, across the Staunton and Dan Rivers, in Mecklenburg County, Va., on United States Route No. 15; without amendment (Rept. No. 111). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H.R. 5476. A bill to extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga.; without amendment (Rept. No. 112). Referred to the House Calendar.

Mr. LEA of California: Committee on Interstate and Foreign Commerce. S. 1278. An act to amend an act (Public, No. 431, 72d Cong.) to identify The Dalles Bridge Co.; without amendment (Rept. No. 113). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONDON (by request): A bill (H.R. 5553) to provide for the inspection of imported lobsters and to impose a tax thereon as a means of defraying the expense of such inspection and identifying such lobsters; to the Committee on Ways and Means.

By Mr. SIROVICH: A bill (H.R. 5554) to limit the life of a patent to a term commencing with the date of the application; to the Committee on Patents.

By Mr. HOEPEL: A bill (H.R. 5555) to restore the purchasing power and to renew the faith and confidence of the Federal employee in government, to uphold and support the President in his declaration for an increased wage scale, and for other purposes; to the Committee on Expenditures in the Executive Departments.

By Mr. HOWARD: A bill (H.R. 5556) to authorize the Secretary of the Interior to issue patents for lots to Indians within the Indian village of Taholah, on the Quinalt Indian Reservation, Wash.; to the Committee on Indian Affairs.

By Mr. CANNON of Wisconsin: A bill (H.R. 5557) to reduce the mileage of Senators, Representatives, and Delegates to 5 cents a mile; to the Committee on Expenditures in the Executive Departments.

By Mr. SNYDER: A bill (H.R. 5558) for the improvement of the Youghiogheny River watershed, Pennsylvania; to the Committee on Rivers and Harbors.

By Mr. DRIVER: Resolution (H.Res. 135) providing for the consideration of conference report on H.R. 4606, an act to provide for cooperation by the Federal Government with the several States and Territories and the District of Columbia in relieving the hardship and suffering caused by

unemployment, and for other purposes; to the Committee on Rules.

By Mr. GREENWOOD: Resolution (H.Res. 136) providing for the consideration of conference report on H.R. 3835, an act to relieve the existing national economic emergency by increasing agricultural purchasing power; to the Committee on Rules.

By Mr. JONES: Joint resolution (H.J.Res. 176) to amend subsection (3) of section 8 of the act entitled "An act to relieve the existing national economic emergency by increasing agricultural purchasing power to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", by striking out the word "basic"; to the Committee on Agriculture.

By Mr. LANZETTA: Joint resolution (H.J.Res. 177) to provide repatriation of native-born women who are physically unable, through permanent disability, to travel from abroad, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. JONES: Concurrent resolution (H.Con.Res. 18) authorizing the Clerk of the House, in the enrollment of H.R. 3835, to strike out the word "basic" where it appears in subsection (3) of section 8; to the Committee on Agriculture.

#### MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Wisconsin, memorializing Congress to support President Roosevelt's program relating to Muscle Shoals and in all his other recommendations; to the Committee on Military Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRUNNER: A bill (H.R. 5559) granting a pension to Edward F. Lynch; to the Committee on Pensions.

By Mr. CALDWELL: A bill (H.R. 5560) granting a pension to Georgia J. Jackson; to the Committee on Invalid Pensions.

By Mr. SAMUEL B. HILL: A bill (H.R. 5561) for the relief of Herman Wulff; to the Committee on Military Affairs.

By Mr. LESINSKI: A bill (H.R. 5562) granting a pension to Myrtle Sills; to the Committee on Pensions.

Also, a bill (H.R. 5563) for the relief of Wayne M. Cotner; to the Committee on Claims.

Also, a bill (H.R. 5564) for the relief of Haroutiun Krikorian or Krikor Haroutunian; to the Committee on Claims.

By Mr. LUDLOW: A bill (H.R. 5565) providing for the payment of the findings reported by the Court of Claims in favor of Timothy C. Harrington for extra time; to the Committee on Claims.

By Mr. SNELL: A bill (H.R. 5566) for the relief of Gerald Mackey; to the Committee on Claims.

Also, a bill (H.R. 5567) for the allowance of certain claims for extra labor above the legal day of 8 hours at certain navy yards certified by the Court of Claims; to the Committee on Claims.

Also, a bill (H.R. 5568) for the relief of A. W. Duckett & Co., Inc.; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

928. By Mr. CULLEN: Petition of the Civil Service Forum, at a meeting in New York City, declaring that it is unalterably opposed to the recommendation of the Budget Director, which must surely result in men who have devoted their lives to the service of the Government at modest



salaries with no chance to accumulate wealth, hurriedly and almost without any opportunity to adjust their lives or living conditions, being subjected to such drastic curtailment of income; to the Committee on Appropriations.

929. By Mr. DONDERO: Petition of the Cook Nelson Post, No. 20, American Legion, Pontiac, Mich., recognizing the need for economy, has supported the President to the extent of a \$450,000,000 cut from veterans, but urge individually and as a post that no further reduction be made in the national defense by the abandoning of training of the National Guard, Officers' Reserve Corps, citizens' military training camps, reserve officers' training, and Naval Militia, and, further, that our national defenses be built up to the full limits of our 5-5-3 Treaty; to the Committee on Military Affairs.

930. Also, House Concurrent Resolution No. 63 of the Michigan State Legislature, adopted by both the house and senate, protesting against the elimination of the National Guard of Michigan's field training and armory training period to be cut to 24 drills instead of 48 per year, and maintaining that this act would mean the ultimate dispersion of the National Guard in the State of Michigan, etc.; to the Committee on Military Affairs.

931. By Mr. ELTSE of California: Assembly Joint Resolution No. 9, adopted March 16, 1933, by California Assembly, relative to memorializing Congress to adopt legislation with reference to manufacture of arms, munitions, and implements of war; to the Committee on Military Affairs.

932. Also, Assembly Joint Resolution No. 24, adopted March 24, 1933, by California Assembly, relative to memorializing the Congress of the United States to enact a moratorium on foreclosures of real property mortgages and on sales under deeds of trust on real property; to the Committee on the Judiciary.

933. By Mr. KENNEY: Petition of the Progress Club of Englewood, N.J., in a regular meeting assembled the 24th day of April 1933, protesting against the injustice being done to the Jews of Germany on the ground that it is contrary to the conduct of civilized nations of the world, in which the rights of minorities to an equal economic existence with the majorities is a bulwark of endurance; to the Committee on Foreign Affairs.

934. By Mr. LESINSKI: Concurrent resolution of the Michigan State Legislature, protesting against a change in the status of the National Guard of the State of Michigan; to the Committee on Appropriations.

935. Also, resolution passed by the Detroit City Council, urging passage of a bill permitting that cities be granted a moratorium on debts through Federal courts; to the Committee on the Judiciary.

936. By Mr. LINDSAY: Petition of Seaboard-Great Lakes Corporation, New York City, opposing House bill 3759; to the Committee on the Judiciary.

937. Also, petition of John J. Ott, chairman Kings County Home Mortgage Relief Committee, Brooklyn, N.Y., concerning the Home Owners Loan Act of 1933; to the Committee on Banking and Currency.

938. Also, petition of Civil Service Forum, New York City, opposing the 30-year retirement bill; to the Committee on Appropriations.

939. Also, petition of Atlantic Lighterage Corporation, New York City, opposing House bill 3759; to the Committee on the Judiciary.

940. Also, petition of Charles W. Schroeder, Jamaica, N.Y., urging support of House bill 5206, the Post Office substitutes bill; to the Committee on the Post Office and Post Roads.

941. Also, petition of Chamber of Commerce of the State of New York, New York City, opposing any further reduction in the armed forces of the United States; to the Committee on Military Affairs.

942. Also, petition of Chamber of Commerce of the United States, New York City, recommending Federal securities bill to establish Federal supervision of interstate traffic in investment securities be modified to relieve officers and directors of liability when they act upon expert opinion and advice and in good faith; that separate consideration be given in

the bill to temporary borrowings of corporations in order that its requirements will not hamper or prevent short-term financing; to the Committee on Interstate and Foreign Commerce.

943. By Mr. LUDLOW: Petition of the Beth-El Men's Club of Indianapolis, Ind., protesting against the treatment accorded Jews in Germany; to the Committee on Foreign Affairs.

944. Also, petition of Ruth Caplan and Morris Caplan, of Indianapolis, Ind., protesting against treatment of Jews in Germany; to the Committee on Foreign Affairs.

945. Also, petition of the Retail and Wholesale Meat Dealers of Indiana, favoring the immediate consideration of legislation placing adequate duties on all imports of animal, marine, and vegetable oils and fats, as well as the oil content of all raw materials from which such oils and fats are processed, and on hides and skins; to the Committee on Ways and Means.

946. By Mr. PATMAN: Petition of Louis Kaufman and 183 other ex-service men and taxpayers of Pittsburgh, Pa., urging the immediate payment of the adjusted-service certificates; to the Committee on Ways and Means.

947. By Mrs. ROGERS of Massachusetts: Petition of the City Council of Cambridge, Mass., memorializing Congress to enact House Joint Resolution 191 and Senate Joint Resolution 105 to commemorate the one hundred and fiftieth anniversary of the naturalization as an American citizen in 1783 and appointment of Bvt. Brig. Gen. Thaddeus Kosciuszko, a hero of the Revolutionary War, by issuing special series of postage stamps in honor of Gen. Thaddeus Kosciuszko sesquicentennial anniversary; to the Committee on the Judiciary.

948. Also, petition of the City Council of Cambridge, Mass., condemning all acts of persecution reported to be committed against the members of the Jewish faith in Germany, and urging the President and Congress to present these sentiments to the German Government; to the Committee on Foreign Affairs.

949. By Mr. RUDD: Petition of the Chamber of Commerce of the State of New York, opposing any further reduction in the armed forces of the United States; to the Committee on Military Affairs.

950. Also, petition of the Chamber of Commerce of the State of New York, favoring modification of Federal securities bill; to the Committee on Interstate and Foreign Commerce.

951. Also, petition of the Civil Service Forum, New York City, declaring that it is unalterably opposed to the recommendation as presented by the Director of the Budget, with reference to the retirement of Federal employees after 30 years' service; to the Committee on Appropriations.

952. Also, petition of the Seaboard-Great Lakes Corporation, Coast, Canal and Great Lakes Transportation, 21 West Street, New York City, opposing the passage of House bill 3739; to the Committee on the Judiciary.

953. Also, petition of John J. Ott, chairman, the Kings County Home Mortgage Relief Committee, a group of 41 organizations of Brooklyn, N.Y., favoring certain amendments to the home owners loan bill, Senate bill 1317; to the Committee on Banking and Currency.

954. Also, petition of board of managers of the Queensboro Tuberculosis and Health Association, Jamaica, N.Y., favoring amendment to the postage rate bill, now before the Senate, so that 2-cent rate will cover entire greater city of New York, now under the jurisdiction of four postmasters; to the Committee on Ways and Means.

955. Also, petition of New York Women's Trade Union League, 247 Lexington Avenue, New York City, favoring the passage of the Black bill, S. 153, 30-hour workweek; to the Committee on Labor.

956. By Mr. WITHROW: Memorial of the Legislature of the State of Wisconsin, memorializing the Congress to pass an act permitting cities, counties, and States to deposit their bonds with the Federal Government in exchange for currency; to the Committee on Banking and Currency.

957. Also, memorial of the Legislature of the State of Wisconsin, relating to an increase in the currency of the United States through calling in all Liberty and Victory bonds; to the Committee on Ways and Means.

958. By the SPEAKER: Petition of the League of Struggle for Negro Rights, favoring a law eliminating the abuses and denials of elementary democratic rights for the Negro people; to the Committee on the Judiciary.

## HOUSE OF REPRESENTATIVES

TUESDAY, MAY 9, 1933

The House met at 11 o'clock a.m.

The Chaplain, Rev. James Shera Montgomery, D.D., offered the following prayer:

Thou whose name is "Wonderful Counselor", crown us with emancipated minds and aspiring hearts. With firm, abiding faith in Thee, give us the temper, the virtue, and the understanding to do the right. Order all our ways; and may we hope in Thee, whatever may betide. O satisfy us early with inward peace and inward light, and may we wait for the Lord more than we wait for the morning. Forgive our sins and bridge our weakness, and may we be made more noble through discipline and through Thy redeeming grace. Heavenly Father, increase our sense of the divine until Thy excellence, purity, and love appear in everything. In the name of Jesus, our Savior, we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

### JURISDICTION OF REVENUE BILLS

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TREADWAY. Mr. Speaker, on April 3 I introduced a resolution asking that a bill that had been passed by the Senate be returned to that body. The resolution which I introduced was explained at the time, and at the request of the majority leader it was referred, by unanimous consent the next day, to the Committee on the Judiciary for inquiry. During the discussion of its reference to the Committee on the Judiciary the importance of the resolution was made very apparent, and I quote from memory the majority floor leader when he said that, irrespective of the introduction of the Lewis bill, the question of the constitutional provision that I brought up should be decided by the Committee on the Judiciary before that legislation was considered.

The Lewis bill was introduced and is now known as the "Wagner-Lewis bill", and I suppose it is to be enacted today. In the meantime the resolution which I introduced has lain dormant in the Committee on the Judiciary or in the files of that committee. It is well known that a subcommittee was appointed to inquire into the merits of the case, and I understand that subcommittee agrees that the resolution should be adopted. I have inquired of different members of the Committee on the Judiciary why the delay of over a month in reporting to the House on such an important matter as that, and I can get no satisfaction. It seems to be a question of pigeonholing absolutely, because the members of the committee appear favorable to the adoption of the resolution; and, irrespective of whether there is pending today legislation with reference to the subject matter, the question of the constitutional provision such as is covered by Resolution 91 should be answered.

It certainly was the intention of the membership of the House that the Committee on the Judiciary should bring in a prompt report. Therefore I feel justified in offering a resolution of inquiry, which is privileged, and which I send to the Clerk's desk and ask for immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

### House Resolution 137

Whereas on April 3, 1933, House Resolution 91 was submitted to this House for the return of the bill S. 812 to the Senate on

the ground that the said bill contravened the constitutional prerogative of this House to originate revenue bills; and

Whereas on April 4, 1933, the said resolution was, by unanimous consent, referred to the Committee on the Judiciary for report; and

Whereas the said Committee on the Judiciary has had the said resolution under consideration since the aforesaid date without having reported on the same; and

Whereas the said resolution raises a question involving a constitutional prerogative of the House of Representatives; and

Whereas it is of the greatest importance that the question raised by the said resolution be settled at the earliest possible moment in order to set at rest the particular question involved, which only the House itself can decide: Therefore be it

Resolved, That the Committee on the Judiciary be, and it is hereby, directed to make a report to this House upon the issue raised by House Resolution 91 within 5 legislative days from the date of the adoption of this resolution.

Mr. BYRNS. Mr. Speaker, reserving a point of order, I want to make a statement under the reservation. I think our good friend, the gentleman from Massachusetts [Mr. TREADWAY], has raised what is purely a moot question. We have entirely too much business before the House today to be spending our time considering something that has no bearing and will have no bearing even if that resolution is reported. My recollection of that resolution is that it was intended to apply to the Wagner bill.

Mr. TREADWAY. The question was involved in the Wagner bill, but not that alone.

Mr. BYRNS. But it referred to the Wagner bill and was intended to apply only to that bill, although it did raise, as the gentleman says, the constitutional question, necessarily; but the House has already passed the House bill. The conferees on several bills have presented conference reports, which are pending, and which I hope will be considered and adopted today. I submit that to pass that resolution now and to ask the Committee on the Judiciary to make a report upon a matter that is wholly a moot question is simply taking up the time of the House.

Now, I want to say to the gentleman that, of course, there is a way whereby he can get consideration of the constitutional question, so as to secure the attitude of the House with respect to these matters, but I do not think it should be brought up in this way, and that the House should be required to spend its time, or that a committee, which is engaged upon very important matters of pressing moment, should be asked to delay those matters while they consider something that has passed beyond the House and beyond the Congress.

I do not see the Chairman of the Committee on the Judiciary on the floor at the moment. The gentleman from Oklahoma [Mr. McKEOWN], a member of that committee, is present, but I think the gentleman from Massachusetts should have notified the chairman of the Committee on the Judiciary that he was going to bring this matter up today; but in justice to that committee I wish to say that that committee was at the time busily engaged in considering matters growing out of the impeachment of a judge in California. It had other important matters before it. A subcommittee was appointed upon this resolution. The full committee never got to its consideration until the House had taken formal action upon the House bill, which, of course, was clearly in order.

We have three rules for consideration today. We have 6 hours' general debate upon an appropriation bill, and I am fearful we will not be able to pass that before Thursday, even if we proceed with the utmost dispatch. Now, to meet at 11 o'clock and have this time taken up by a moot question is asking too much of the House, and I move to lay the resolution on the table.

Mr. TREADWAY. The gentleman has done that before. Will the gentleman yield for a moment?

Mr. BYRNS. I will yield for a moment.

Mr. TREADWAY. This is a very important question; it is too serious to be disposed of by laying it on the table. The decision of the House on a constitutional provision certainly is always applicable and proper and is not a moot question. Let me ask the gentleman one question.

Mr. BYRNS. I will change my statement. It is a moot resolution.